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Kul Bhushan Mohtra was born on 9th Sep, 1957 in a village Amuwala in Kathua district.

Matric from BOSE, Jammu and Adeeb from AMU. Has been awarded Honorary Professor by School of Liberal Art & Languages, Shobhit University, Gangoh, Distt. Saharanpur, U.P.

Director General, Raja Ram Mohan Roy Library Foundation nominated him as his nominee in the Committee for purchasing of Books for UT Jammu & Kashmir. Incharge of Nanaji Deshmukh Library & Documentation Department at BJP state HQ in J&K.

Actively engaged in political, social, charitable and religious activities. Always striving to serve the poor and downtrodden of the society.

Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

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EMERGING TREND OF REGIONAL POLITICAL
CULTURE IN INDIAN STATES: A STUDY OF
JAMMU & KASHMIR

By: Dr. Vidya Bhushan*

The political and emotional divergence between the regions of the State of Jammu and Kashmir has been growing over years. As there exists communal diehotomy, regionalism, an awareness of one's own cultural heritage, historical traditions and a sense of political individuality, ~~xx~~ there have been contradictions and contrversies, turmolls and clashes of conflicting interests of different regions. The Dogra ruler, the Maharaja Gulab Singh, though brought the three regions under his control, yet there never had been cultural, ethnic and social integration of the people of the regions. It was merely a political union for administrative convenience rather than a fusion of different streams of cultures, ways of life and thought.

Out of three regions of the State Jammu region with 20.76 lakhs inhabitants and 26,395 sq.k.m. areas is now number two in population as well as in area. Kashmir valley, on the other hand, with 31,34,904 inhabitants and two fifth of its area out numbers Jammu by just about four lakhs. But ~~xxxxxx~~ Ladakh with 1,34,372 population is four times in territory.

* Reader, P.G. Department of Political Science, University of Jammu, Jammu. A paper presented in the National Seminar on the subject of "The Need for Cultural Renaissance in India" on April 28 to 29, 1989, organised by P.G. Department of History, University of Jammu, Jammu.

Dogras with Dogra mother tongue is single largest linguistic community if Jammu region. As an indispensable geopolitical link between the Kashmir valley and rest of India, Jammu is as important strategically and sensitively as Kashmir region of J&K State. However, geographical boundaries - between the Ravi and Pirpanchal, to the greater extent, have contributed in the evolution of distinct personality of this region.

Unfortunately Kashmir leaders, during there struggle against autocrackxy, often insisted on calling Hari Singh's rule in the state as Dogra rule. They forget that Dogra was not only the name of the ruling family but also the community living in Jammu region. Thus they allienated the Dogra people.

The popular sentiments in Jammu region believing the Maharaja as the symbol of their security against the majority population of Kashmir region, linked their fate and security with the Maharaja. The Dogra Nationalists in Jammu region, particularly believing the Maharaja as a political and cultural symbol, sided with ~~the~~ him in his attempt to retain more and more powers in pre-independence period. It seemed to Dogra Natinnalists that prospects od democracry would be nothing more than being exposed to the whims of a permanent

majority of Kashmir muslims in the state and its leadership. They, thus, opposed the very basis of the Kashmir's struggle for freedom. Their open condemnation of Maharaja or Dogra rule not only created but hardened their distrust against Kashmir leadership. They, therefore, opposed every political move from the valley without evaluating its plus and minus points. They, thus, played a negative role throughout the period of struggle for freedom in Kashmir. In order to have a greater security against the Maharaja's arbitrary powers - the Kashmir nationalists, on the other hand, struggled for the transfer of greater degree of powers to the state legislature. They perceived their security only in democracy which among other attributes, meant majority rule.

However, the post independence politics of Jammu appeared to be both inter-regional and intra-regional conflicts. Believing their greater security with Indian union, the Dogra Nationalists of Jammu demanded full integration of the state with India in post-independence. The ouster of Maharaja and subsequent abolition of monarchy further deepened the distrust. The majority in Jammu turned against Kashmiri leadership. They could not visualize that the days of kings and princes had gone. Because of their negative attitude, they even opposed the most needed and most radical reforms of National Conference government such as liquidation of rural indebtedness and abolition of Big Landed Estates

and land to the tillers. They under the banner of Praja Parishad - the principal opposition party, most vocal instrument of its protest and most authentic voice of Jammu - opposed the incorporation of Art. 370 in the Indian Constitution under which state secured a special status. They raised the slogans Ek pradhan, Ek vidhan, and Ek Mishan not needed. They were not in a mood of raising the voice for right of Jammu viz-a-viz that of Kashmir. They narrowed down their demands to such a limits that they even lost the confidence of Jammu muslims. Some of the representation of Jammu muslims even approached the Govt. to protect them from parishad terrorism. The Dogras, like wise, opposed the convening of the State Consembly and framing a separate constitution for the State. ~~They~~ Due to their minority against Indian majority the Kashmir nationalist, on the other, wanted maximum autonomy and stood for limited accession of the state with Indian union. Thus for making Art 370 as a permanent feature of the Indian constitution. Sheikh Abdullah in his letter to Dr. Mookerjee dated 4th Feb. 1953 made it clear that so far as they were concerned they had maintained that the special position accorded to the state could alone be the source of a growing unity and closer association between the state and India. He further stressed that consimbly of India took note of special circumstances obtaining in the State and made provisions accordingly. But if the basis of

that relationship was sought to be altered, certain daring consequences ~~xxx~~ were bound to follow.

The Dogra nationalists led by Praja Parishad always pleaded for transfer of more and more powers from Kashmir to Delhi rather than powers for Jammu itself. They never thought collectively about the whole of the state of J&K and their place in it. The Praja Parishad leaders rather delivered the speeches "our way is not with Kashmir. Sheikh is not acceptable to us". Where as Sheikh Abdullah's efforts all along had been to rally the entire population of the state to a sense of basic unity and to work for the cause of building the New Kashmir. The Kashmir nationalist group therefore demanded maximum autonomy for the state.

In short regional sentiments helped to fragment popular discontent and regional tension brought the regional cordiality to an end.

As a result, Praja Parishad demanded the right of self-determination for Jammu and termed Delhi Agree of 1952 as a fraud on India people and attack on Indian constitution and Pt. Dogra threatened to launch a satyagrah if the Agreement was enforced. Praja Parishad backed by Bhartiya Jana Sangh started agitation against Delhi Agreement as soon as the steps were taken to enforce its provisions.

Meanwhile Kaushak Bakala, Head Lama of Ladakh and member of Consembly demanded for a statutory provision for Ladakh in future constitution of the State. A section of Doda district led by A.G. Goni too stressed that Doda should be given the status of a separate cultural unit. They demanded that the state to be divided into as many as five cultural units, each with equal status and to enjoy autonomy in the conduct of their internal affairs. Even Dr. Mookerjee, in his letter to Shikh Abdhullah dated 4-2-1953 confirmed the sense of insecurity among the Jammu Hindus and in his letter to Pt. Nehru dated 12-2-1953 suggested grant of provisional autonomy to Jammu and Ladakh without the change of boundaries. Pt. Nehru too in his reply to Mokerjee appreciated the idea of Regional Autonomy. Sheikh Abdullah while broadcasting from Racha Kashmir Srinagar on April 17th 1953 also proposed to give autonomy to the different cultural units of the State (i.e. the valley, Jammu, Gilgit, Ladakh and a region consisting the district of Mirpur, Rajouri, Poonch and Muzzafrabad). The ideaseemed to be that a measure of autonomy in their internal affairs would remove the fears of each of these units against the other's and would provde a moral, natural andnon-communal impetus for a sense of belonging as well as political participation. Subh a sense of belonging alone could effectively counter the appeal for secession in the valley and communalism in Jammu.

When the basic principle Committee of the Consembyly was instructed to study the idea of extending autonomy to each unit and to make recommendations accordingly, the integrationalists of Jammu rejected this idea also. Perhaps their policy for the search for security induced them to follow a negative approach and to agitate for highly unified constitution. In the similar manner they opposed Sadar-I-Riyasat as the head of the State, a separate emblem and a separate flag for the state. They regarded these as counter to their concept of a unitary constitution for the country as well as the state.

Such a state of Jammu generated reaction in the valley and provoked some of the Kashmiris to consolidate secessionist groups and to form secessionalist party. B.P. Sharma was of the view that the role of Jammu and Kashmir in state politics was complimentary to each other though unwittingly. This observation had also been confirmed by the statement of Mr. GurcharanSingh Bhatia in early 1953 when he said "National Conference and Praja Parishad represent urges of the aggressive local nationalisms of Kashmir and Jammu respectively. The outbursts of the Kashmir leaders against Jammu help praja parshid in mobilising the public support. While anti-Kashmir campaign of the P.P. simply provokes and intensifies Kashmir nationalism of which Sheikh Abdullah is the Hero. Balraj also

confirmed the same view and said that the P.P. and the National Conference by polarising the politics of the state helped each other in consolidating their hold on their respective communities.

Suddenly inflammatory reports spread that Shikh was thinking to declare Kashmir as independent, the idea of which said to have been mooted by American Statesmen Mrs. & Mr. Henderson during their visit to Kashmir in May 1953. Sheikh was unluckily blamed for the tone and contents of his speeches delivered in 1952 and 1953. The tragedy was that Sheikh Abdullāh's was misunderstood and his urge for maximum autonomy for the state was just taken for independence. All along he tried to avoid the disintegration of the state. That was why, in order to accommodate the wishes of the masses of the different regional and cultural units of the state he and his colleagues were working to create a republic within the Republic. Even Sri Amar Kashtriya Prantic Sabha, Jammu a negative role passed a resolution condemning the idea of Republic within Republic and the adoption of State emblem. It termed the consembly of Kashmir as bogus consembly.

Meanwhile with the sudden death of Dr. S.P. Mookerjee in detention, the whole Northern Indian plunged into profound grief and submerged by a kind of anti-Nehru and Anti-Abdullah wave. P.P. refused to believe that death occurred in natural circumstances and charged Sheikh Abdullah as murderer in spite of the fact ~~that~~ he pleaded to be innocent.

However the first popular elected Sheikh ministry was dismissed on 8th August 1953 and Sheikh along with his other supporters were arrested on 9th August. But Sheikh's political martyrdom had made him a popular hero of Kashmir once again. Bakshi, who succeeded Sheikh, while broadcasting from Radio Kashmir on 21 August, 1953 declared:

"the rights and privileges that we secure for the state as a whole have to be shared in equal measure by the people of its different parts. The Govt to secure equal share of its beneficent activities to the people of the various constituent units of the state and to safeguard representation of all regions in every sphere of administration and social life.

Dogra nationalists seemed to be pacified with the fall of 1st Sheikh ministry and his arrest. That was why P.P. leader easily fell in the trape of Bakshi, who required their support to consolidate his political position. Bakshi made some promises with P.P. leaders but ~~xx~~ backed out later on. Pt. P.N. Dogra in his letter to Bakshi dt. 1-2-1954 reminded him his assurances made to him and pleaded for their fulfilment. However, the Basic Principal Committee submitted report to the Consembly which was adopted unanimously with minor amendment on 6th Feb. 1954. Pt. P.N. Dogra in his 15 pages memorandum submitted to the President of India on 1st April 1954 raised number of objections against

the constitutional proposals. Here again he demanded the shift of more and more powers from Kashmir to the Central Govt. rather than demanding the sharing of political power with Kashmir. Bakshi succeed in creating defaction within P.P. by distributing favours to some of its leaders.

Even after the merger of P.P. in Jana Sangh in 1964 the Dogra nationalist of Jammu continued to play a negative role. They were always worried about the shift of more and more powers from Kashmir to Delhi, but never thought and fought for Jammu's status within the State and for Jammu to be equitable partner with the Valley in exercise of political power.

When Gajendragadkar Commission of 1967 recommended that if Chief Minister would be from the valley, there should be Dy Chief Minister from Jammu. The Dogra nationalists could not fight for the implementation of it during congress rule. But they started pressing hard when Sheikh again came in power after Indira-Sheikh Accord of 1975. With regrets it is to be pointed out that Jammu protests and sacrifices during all the years got into a defeatist channel. The dogra nationalist failed to understand that the lack of adequate share in political power is one of the basic problems of Jammu. Jammu needs safeguards within the state on precisely the same grounds on which Kashmir feels the need within Indian Union.

India too played a negative role. The Indian leadership always thought that Jammu and Ladakh had no other place except India whenever, therefore, people of Jammu raised their voice for their rights, they were douted by them as communalist. Their eyes always focussed on the valley in order to improve their secural image in the world. Whatever concessions were given, given to the valley and they did not bother much for Jammu and Ladakh regions. Even in past Indira-Sheikh Accord og 1975 when Sheikh accepted the finality of State accession to India and disbanded Plebisit Front, instead of the fighting for the right of Jammu, the congress party when defeated at the ~~xx~~ centre in 1977 elections, started pulling and withdrew support to Sheikh Abdullah's government.

In short dominant trend in Jammu poltics represented by Praja ~~parshid~~ parshid was a major cause for provoking and encouraging the secessionalist movement in Kashmir. This aspect of Jammu politics can be called negative in terms of National interests. (Some individuals and groups in Jammu, though in minority, with not much popular basis did tried to play a positive role also. The important leader Gopal Dutt Megi and Jyotshi Ram Karish not only supported the demand of National Conference of abdication of Maharaja but also fovoured the abolition of the institution of Monarchy and direct

participation of people of Jammu in democratic set up. Unfortunately such leaders were not given National conference mandate in consembly election of 1951. Balraj Puri was one of the forerunner who suggested political means of define Jammu's status in the state as early as 1949. He continued to plead for constitutional provisions for ensuring the status of Jammu. His main emphasis was that whatever measure of autonomy had been promised to the state within Indian Union should also be conceived to Jammu region with the proviso that on similar grounds, autonomy to Jammu within state be conceded. He did support the aboleation of monarchy, Land reforms and incorporation of Art. 370 in Indian constitution. Even at the times of negotiations for Delhi Agreement of 1952, he pleaded for regional autonomy for Jammu which was incorporated in the final agreement. In the earlier phase the demand for recognition of Jammu's regional identity, regional leadership and its equitable share in the power structure of the state was made by a group within the frame work of National conference.

The J&K Kashmir Youth Conference and Friends of New Kashmir, Delhi also played a role to articulate Jammu's regional urges on secular lines. The socialist groups also demanded the regional autonomy for Jammu. Later on they formed P.S. party. The P.S.P. not only supported autonomy of state within Indian union but decentralization of powers among different regions in order to improve inter-regional cordiality.

A Jammu Autonomy Forum was set up under the presidentship of Balraj Puri in June 1967 to press the demand of regional autonomy.

A group of Jana Sangh workers led by S. Bachan Singh Panchi let the party to support the autonomous status of Jammu. Even P.N. Bazaz, Shamim-Ahmed-Shamim, Mubarj Shah and other prominent citizens of different communities of Kashmir also supported this demand.

The J&K State People's Convention on inter-regional relations of June 1970 debated this issue and adopted a five tier internal constitutional set up of the state envisaging regional autonomy and further devaluation of political powers to district, blocks and panchayats.

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National Conference. But soon after the abdication of Maharaja in 1949, this group was expelled from the National Conference.

Unfortunately such leaders were not given National Conference mandate in constituency election of 1951. Balraj Puri and others, however, continued to suggest political means to define Jammu's status in the state. His main emphasis was that whatever measures of autonomy had been promised to the state within Indian union should also be conceded to Jammu region, on the similar ground. He not only supported the radical reforms like land reforms but also incorporation of Article 370 in the Indian Constitution. His stand was to fight for the right of Jammu and its status viz-a-viz of Kashmir without offending the people of Kashmir by agitating against the Kashmir special status in Indian union and her right to defend maximum autonomy.

Even at the time of negotiation for the Delhi Agreement of 1952, he pleaded for regional autonomy for Jammu.

However Jaya Prakash Narayan pleaded for Sheikh's release and starting fresh dialogue with him. Thus in January 1968 after his release third time since 1953, Sheikh met Prime Minister of India. He convened J&K State People's convention in Oct. 1968. Jammu represented in

steering committee of the Convention by Balraj Puri. The Convention debated the inter-regional relations in the State. The consensus emerged that any solution of the State's future should be 'peaceful' democratic, just and realistic and keep in view the interests of all the regions, strengthen secular, democratic forces, foster communal harmony and be in conformity with the values of the freedom movement. According to Balraj Puri, the convention also accepted the inter regional boundaries ~~of~~ and thus set at rest a controversy which was one of sources of tensions in inter-regional relations. The atrocities committed by the Pak- armies on their muslim brothers in civil war in last Pakistan, the assistance rendered by India to them and subsequent emergence of Bangladesh as an independent country had a considerable effect on Kashmir politics. It strengthened the secular forces, reduced the bargaining capacity of the Kashmir leaders to balance India and Pakistan created popular disillusionment with Pakistan and resurgence of regional patriotism against the appeal of Muslim solidarity.

Thus Indo-Pak war of 1971 and emergence of Bangladesh created favourable atmosphere for the negotiations between Kashmir and India leadership to sought out differences some of National as well as state personalities tried to played mediatory

role between Sheikh Abdullah and Indian leadership. Balraj Puri claimed to be one of those and helped Jammu to bridge rather than barrier between Kashmir and rest of the country. But the state Jana Sangh still remained adamant against placing the Kashmir Leaders particular Sheikh Abdullah.

However after 22 years the wisdom dawned upon the Indian leaders once again that Sheikh Abdullah was an undisputed leader of the valley and only person who could set at rest the most of the controversies about Kashmir accession and others. The negotiation between Prime Minister and Sheikh started and resulted into Indira-Sheikh Accord of 1975.

For over half a century, till his death Sheikh Abdullah symbolised the aspirations of regional national of Kashmir. He could, therefore, had the capacity to settle the problems of inter regional relations. In the last phase of his life he reached sharply even the slightest provocation from Jammu region. For instance when Dr. Karan Singh in Dec. 1978 said "If State Govt, did not tackle Jammu situation with understanding and sympathy, it would lead to separation of Jammu region from Kashmir valley", Sheikh reacted quickly and said "if the majority of people in Jammu region believed that they could progress by carving out a separate state of Jammu, then there was nothing to stop them and we must part as friends". Due to the

opposition if Jana Sangh and congress party in Jammu, he even could not implement the decisions of J&K State People's convention of 1968 relating to inter-regional relationship.

However, bulk of people in Jammu now accepted that Article 370 of the Indian constitution can not be abrogated unilaterally and with the approval of people of Kashmir. Some of the Dogra nationalist agreed with the Kashmir nationalist that this Article is a bridge between Kashmir and rest of the country. Balraj Puri is of the opinion that regional identities are now getting stabilized and even a party like BJP unlike its predecessors Jana Sangh and PP has accepted the essence of it by adopting the demand for constitutional safeguards for region.

I may conclude that one aspect of Jammu politics contributed towards alienation of Kashmir Muslims from rest of the country and by turning Jammu as a barrier between Kashmir and rest of the country, played a negative role. An equally important role was also played by an other section of Jammu politics in reintegration of Kashmir with National politics and thus Jammu to act as real bridge politically as well as geographically between Kashmir leader and National leaders.

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Unfortunately Kashmir leaders, during their struggle against autocracy, often insisted on calling ^{monarchical} Hari Singh's rule in the state as Dogra rule. They forget that Dogra was not only the name of the ruling family but also the community living in Jammu region. Thus they alienated the Dogra people.

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However, the post independence politics of Jammu appeared to be both inter-regional and intra-regional conflicts. Believing their greater security with Indian union, the Dogra Nationalists of Jammu demanded full integration of the state with India in post-independence. The ouster of Maharaja and subsequent abolition of monarchy further deepened the distrust. The majority in Jammu turned against Kashmiri leadership. They could not visualize that the days of kings and princes had gone. Because of their negative attitude, they even opposed the most needed and most radical reforms of National Conference government such as liquidation of rural indebtedness and abolition of Big Landed Estates

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Even after the merger of P.P. in Jana Sangh in 1964 the Dogra nationalist of Jammu continued to play a negative role. They were always worried about the shift of more and more powers from Kashmir to Delhi, but never thought and fought for Jammu's status within the State and for Jammu to be equitable partner with the Valley in exercise of political power.

When Gajendragadkar Commission of 1967 recommended that if Chief Minister would be from the valley, there should be Dy Chief Minister from Jammu. The Dogra nationalists could not fight for the implementation of it during congress rule. But they started pressing hard when Sheikh again came in power after Indira-Sheikh Accord of 1975. With regrets it is to be pointed out that Jammu protests and sacrifices during all the years got into a defeatist channel. The dogra nationalist failed to understand that the lack of adequate share in political power is one of the basic problems of Jammu. Jammu needs safeguards within the state on precisely the same grounds on which Kashmir feels the need within Indian Union.

India too played a negative role. The Indian leadership always thought that Jammu and Ladakh had no other place except India whenever, therefore, people of Jammu raised their voice for their rights, they were douted by them as communalist. Their eyes always focussed on the valley in order to improve their secural image in the world. Whatever concessions were given, given to the valley and they did not bother much for Jammu and Ladakh regions. Even in past Indira-Sheikh Accord og 1975 when Sheikh accepted the finality of State accession to India and disbanded Plebisit Front, instead of the fighting for the right of Jammu, the congress party when defeated at the ~~xx~~ centre in 1977 elections, started pulling and withdrew support to Sheikh Abdullah's government.

In short dominant trend in Jammu politics ^{pol. culture} represented by Praja ~~parshid~~ parshid was a major cause for provoking and encouraging the secessionalist movement in Kashmir. This aspect of Jammu politics can be called negative in terms of National interests. (Some individuals and groups in Jammu, though in minority, with not much popular basis did tried to play a positive role also. The important leader Gopal Dutt Megi and Jyotshi Ram Karish not only supported the demand of National Conference of abdication of Maharaja but also fovoured the abolition of the institution of Monarchy and direct

participation of people of Jammu in democratic set up. Unfortunately such leaders were not given National conference mandate in consembly election of 1951. Balraj Puri was one of the forerunner who suggested political means of define Jammu's status in the state as early as 1949. He continued to plead for constitutional provisions for ensuring the status of Jammu. His main emphasis was that whatever measure of autonomy had been promised to the state within Indian Union should also be conceived to Jammu region with the proviso that on similar grounds, autonomy to Jammu within state be conceded. He did support the aboleation of monarchy, Land reforms and incorporation of Art. 370 in Indian constitution. Even at the times of negotiations for Delhi Agreement of 1952, he pleaded for regional autonomy for Jammu which was incorporated in the final agreement. In the earlier phase the demand for recognition of Jammu's regional identity, regional leadership and its equitable share in the power structure of the state was made by a group within the frame work of National conference.

The J&K Kashmir Youth Conference and Friends of New Kashmir, Delni also played a role to articulate Jammu's regional urges on secular lines. The socialist groups also demanded the regional autonomy for Jammu. Later on they formed P.S. party. The P.S.P. not only supported autonomy of state within Indian union but decentralization of powers among different regions in order to improve inter-regional cordiality.

A Jammu Autonomy Forum was set up under the presidentship of Balraj Puri in June 1967 to press the demand of regional autonomy.

A group of Jana Sangh workers led by S. Bachan Singh Panchi let the party to support the autonomous status of Jammu. Even P.N. Bazaz, Shamim-Ahmed-Shamim, Mubarrj Shah and other prominent citizens of different communities of Kashmir also supported this demand.

The J&K State People's Convention on inter-regional relations of June 1970 debated this issue and adopted a five tier internal constitutional set up of the state envisaging regional autonomy and further devaluation of political powers to district, blocks and panchayats.

Some individuals and groups in Jammu, though in minority, with not much popular basis did try to play a position role also. In the earlier phase the demand for recognition of Jammu's regional identity, regional leadership and its equitable share in the power structure of the state was made by a group within the frame work of national conference. The Jammu District National Conference led by Balraj Puri group passed formal resolution, as early as 1949, demanding the abolition of the institution of monarchy and the powers to be transferred to the people of Jammu also and not merely from Maharaja to Kashmiri leaders. The important leaders of Jammu like Gopal Dutt Mengi and Jyotshi Ram Krishnan also these demands of

National Conference. But soon after the abdication of Maharaja in 1949, this group was expelled from the National Conference.)

(Unfortunately such leaders were not given National Conference mandate in condempnary election of 1951. Balraj Puri and others, however, continued to suggest political means to define Jammu's status in the state. His main emphasis was that whatever measures of autonomy had been promised to the state within Indian union should also be conceded to Jammu region, on the similar ground. He not only supported the radical reforms like land reforms but also incorporation of Article 370 in the Indian Constitution. His stand was to fight for the right of Jammu and its status viz-a-viz of Kashmir without offending the people of Kashmir by agitating against the Kashmir special status in Indian union and her right to defend maximum autonomy.)

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However Jaya Prakash Narayan pleaded for Sheikh's release and starting fresh dialogue with him. Thus in January 1968 after his release third time since 1953, Sheikh met Prime Minister of India. He convened J&K State People's convention in Oct. 1968. Jammu represented in

steering committee of the Convention by Balraj ~~Kmxx~~ Puri. The Convention debated the inter-regional relations in the State. The consensus emerged that any solution of the State's future should be 'peaceful' democratic, just and realistic and keep in view the interests of all the regions, strengthen secular, democratic forces, foster communal harmony and be in conformity with the values of the freedom movement. According to Balraj Puri, the convention also accepted the inter regional boundaries ~~of~~ and thus set at rest a controversy which was one of sources of tensions in inter-regional relations. The atrocities committed by the Pak- armies on their muslim brothers in civil war in last Pakistan, the assistance rendered by India to them and subsequent emergence of Bangladesh as an independent country had a considerable effect on Kashmir politics. It strengthened the secular forces, reduced the bargaining capacity of the Kashmir leaders to balance India and Pakistan created popular disillusionment with Pakistan and resurgence of regional patriotism against the appeal of Muslim solidarity.

Thus Indo-Pak war of 1971 and emergence of Bangladesh created favourable atmosphere for the negotiations between Kashmir and India leadership to sought out differences some of National as well as state personalities tried to played mediatory

role between Sheikh Abdullah and Indian leadership. Balraj Puri claimed to be one of those and helped Jammu to bridge rather than barrier between Kashmir and rest of the country. But the state Jana Sangh still remained adamant against placing the Kashmir Leaders particular Sheikh Abdullah.

However after 22 years the wisdom dawned upon the Indian leaders once again that Sheikh Abdullah was an undisputed leader of the valley and only person who could set at rest the most of the controversies about Kashmir accession and others. The negotiation between Prime Minister and Sheikh started and resulted into Indira-Sheikh Accord of 1975.

For over half a century, till his death Sheikh Abdullah symbolised the aspirations of regional national of Kashmir. He could, therefore, had the capacity to settle the problems of inter regional relations. In the last phase of his life he reached sharply even the slightest provocation from Jammu region. For instance when Dr. Karan Singh in Dec. 1978 said "If State Govt, did not tackle Jammu situation with understanding and sympathy, it would lead to separation of Jammu region from Kashmir valley", Sheikh reacted quickly and said "if the majority of people in Jammu region believed that they could progress by carving out a separate state of Jammu, then there was nothing to stop them and we must part as friends". Due to the

opposition if Jana Sangh and congress parties in Jammu, he even could not implement the decisions of J&K State People's convention of 1968 relating to inter-regional relationship.

However, bulk of people in Jammu now accepted that Article 370 of the Indian constitution can not be abrogated unilaterally and with the approval of people of Kashmir. Some of the Dogra nationalist agreed with the Kashmir nationalist that this Article is a bridge between Kashmir and rest of the country. Balraj Puri is of the opinion that regional identities are now getting stabilized and even a party like BJP unlike its predecessors Jana Sangh and PP has accepted the essence of it by adopting the demand for constitutional safeguards for region.

I may conclude that one aspect of Jammu politics ^{pol. culture} contributed towards alienation of Kashmiri ^{relationship} Muslims from rest of the country and by turning Jammu as a barrier between Kashmir and rest of the country, played a negative role. An equally important role was also played by an other section of Jammu politics in reintegration of Kashmir with National politics and thus Jammu to act as real bridge politically as well as geographically between Kashmir leader and National leaders.

conflict between the two sub-cultural units.

Autonomism & Integrationism →

In historical perspective.

EMERGING TREND OF REGIONAL POLITICAL
CULTURE IN INDIAN STATES: A STUDY OF
JAMMU & KASHMIR

By: Dr. Vidya Bhushan*

The political and emotional divergence between the regions of the State of Jammu and Kashmir has been growing over years. As there exists communal diehotomy, regionalism, an awareness of one's own cultural heritage, historical traditions and a sense of political individuality, ~~xx~~ there have been contradictions and contrversies, turmolls and clashes of conflicting interests of different regions. The Dogra ruler, the Maharaja Gulab Singh, though brought the three regions under his control, yet there never had been cultural, ethnic and social integration of the people of the regions. It was merely a political union for administrative convenience rather than a fusion of different streams of cultures, ways of life and thought.

Out of three regions of the State Jammu region with 20.76 lakhs inhabitants and 26,395 sq.k.m. areas is now number two in population as well as in area. Kashmir valley, on the other hand, with 31,34,904 inhabitants and two fifth of its area out numbers Jammu by just about four lakhs. But ~~xxxxxx~~ Ladakh with 1,34,372 population is four times in territory.

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Dogras with Dogra mother tongue is single largest linguistic community if Jammu region. As an indispensable geopolitical link between the Kashmir valley and rest of India, Jammu is as important strategically and sensitively as Kashmir region of J&K State. However, geographical boundaries - between the Ravi and Pirpanchal, to the greater extent, have contributed in the evolution of distint personality of this region.

Unfortunately Kashmir leaders, during there struggle against autocrackxy, often insisted on calling Hari Singh's rule in the state as Dogra rule. They forget that Dogra was not only the name of the ruling family but also the community living in Jammu region. Thus they alliënated the Dogra people.

The popular sentiments in Jammu region believing the Maharaja as the symbol of their security against the majority population of Kashmir region, linked their fate and security with th Maharaja. The Dogra Nationalists in Jammu region, particularly believing the Maharaja as a political and cultural symbol, sided with ~~xxx~~ him in his attempt to retain more and more powers in pre-independence period. It seemed to Dogra Nationalists that prospects od democracry would be nothing more than being exposed to the whims of a permanent

majority of Kashmir muslims in the state and its leadership. They, thus, opposed the very basis of the Kashmir's struggle for freedom. Their open condemnation of Maharaja or Dogra rule not only created but hardened their distrust against Kashmir leadership. They, therefore, opposed every political move from the valley without evaluating its plus and minus points. They, thus, played a negative role throughout the period of struggle for freedom in Kashmir. In order to have a greater security against the Maharaja's arbitrary powers - the Kashmir nationalists, on the other hand, struggled for the transfer of greater degree of powers to the state legislature. They perceived their security only in democracy which among other attributes, meant majority rule.

However, the post independence politics of Jammu appeared to be both inter-regional and intra-regional conflicts. Believing their greater security with Indian union, the Dogra Nationalists of Jammu demanded full integration of the state with India in post-independence. The ouster of Maharaja and subsequent abolition of monarchy further deepened the distrust. The majority in Jammu turned against Kashmiri leadership. They could not visualize that the days of kings and princes had gone. Because of their negative attitude, they even opposed the most needed and most radical reforms of National Conference government such as liquidation of rural indebtedness and abolition of Big Landed Estates

and land to the tillers. They under the banner of Praja Parishad - the principal opposition party, most vocal instrument of its protest and most authentic voice of Jammu - opposed the incorporation of Art. 370 in the Indian Constitution under which state secured a special status. They raised the slogans Ek pradhan, Ek vidhan, and Ek Mishan not needed. They were not in a mood of raising the voice for right of Jammu viz-a-viz that of Kashmir. They narrowed down their demands to such a limits that they even lost the confidence of Jammu muslims. Some of the representation of Jammu muslims even approached the Govt. to protect them from parishad terrorism. The Dogras, like wise, opposed the convening of the State Consimbly and framing a separate constitution for the State. ~~Thxx~~ Due to their minority against Indian majority the Kashmir nationalist, on the other, wanted maximum autonomy and stood for limited accession of the state with Indian union. Thus for making Art 370 as a permanent feature of the Indian constitution. Sheikh Abdullah in his letter to Dr. Mookerjee dated 4th Feb. 1953 made it clear that so far as they were concerned they had maintained that the special position accorded to the state could alone be the source of a growing unity and closer association between the state and India. He further stressed that consimbly of India took note of special circumstances obtaining in the State and made provisions accordingly. But if the basis of

that relationship was sought to be altered, certain daring consequences xxx were bound to follow.

The Dogra nationalists led by Praja Parishad always pleaded for transfer of more and more powers from Kashmir to Delhi rather than powers for Jammu itself. They never thought collectively about the whole of the state of J&K and their place in it. The Praja Parishad leaders rather delivered the speeches "our way is not with Kashmir. Sheikh is not acceptable to us". Where as Sheikh Abdullah's efforts all along had been to rally the entire population of the state to a sense of basic unity and to work for the cause of building the New Kashmir. The Kashmir nationalist group therefore demanded maximum autonomy for the state.

In short regional sentiments helped to fragment popular discontent and regional tension brought the regional cordiality to an end.

As a result, Praja Parishad demanded the right of self-determination for Jammu and termed Delhi Agree of 1952 as a fraud on India people and attack on Indian constitution and Pt. Dogra threatened to launch a satyagrah if the Agreement was enforced. Praja Parishad backed by Bhartiya Jana Sangh started agitation against Delhi Agreement as soon as the steps were taken to enforce its provisions.

Meanwhile Kaushak Bakala, Head Lama of Ladakh and member of Consenbly demanded for a statutory provision for Ladakh in future constitution of the State. A section of Doda district led by A.G. Goni too stressed that Doda should be given the status of a separate cultural unit. They demanded that the state to be divided into as many as five cultural units, each with equal status and to enjoy autonomy in the conduct of their internal affairs. Even Dr. Mookerjee, in his letter to Shikh Abdhullah dated 4-2-1953 confirmed the sense of insecurity among the Jammu Hindus and in his letter to Pt. Nehru dated 12-2-1953 suggested grant of provisional autonomy to Jammu and Ladakh without the change of boundaries. Pt. Nehru too in his reply to Mokerjee appreciated the idea of Regional Autonomy. Sheikh Abdullah while broadcasting from Racha Kashmir Srinagar on April 17th 1953 also proposed to give autonomy to the different cultural units of the State (i.e. the valley, Jammu, Gilgit, Ladakh and a region consiting the district of Mirpur, Rajouri, Poonch and Muzzafrabad). The ideaseemed to be that a measure of autonomy in their internal affairs would remove the fears of each of these units against the other's and would provde a moral, natural andnon-communal impetus for a sense of belonging as well as political participation. Subh a sense of belonging alone could effectively counter the appeal for secession in the valley and communalism in Jammu.

When the basic principle Committee of the Consenbly was instructed to study the idea of extending autonomy to each unit and to make recommendations accordingly, the integrationalists of Jammu rejected this idea also. Perhaps their policy for the search for security induced them to follow a negative approach and to agitate for highly unified constitution. In the similar manner they opposed Sadar-I-Riyasat as x the head of the State, a separate emblem and a separate gk flag for the state. They regarded these as counter to their concept of a unitary constitution for the country as well as the state.

Such a state of Jammu generated reaction in the valley and provoked some of the Kashmiris to consolidate secessionist groups and to form secessionalist party. B.P. Sharma was of the view that the role of Jammu and Kashmir in state politics was complimentary to each other though unwittingly. This observation had also been confirmed by the statement of Mr. GurcharanSingh Bhatia in early 1953 when he said "National Conference and Praja Parishad represent urges of the aggressive local nationalisms of Kashmir and Jammu respectively, The outbursts of the Kashmir leaders against Jammu help praja parshid in mobilising the public support. While anti-Kashmir campaign of the P.P. simply provokes and intensifies Kashmir nationalism of which Sheikh Abdullah is the Hero. Balraj also

confirmed the same view and said that the P.P. and the National Conference by polarising the politics of the state helped each other in consolidating their hold on their respective communities.

Suddenly inflammatory reports spread that Shikh was thinking to declare Kashmir as independent, the idea of which said to have been mooted by American Statesmen Mrs. & Mr. Henderson during their visit to Kashmir in May 1953. Sheikh was unluckily blamed for the tone and contents of his speeches delivered in 1952 and 1953. The tragedy was that Sheikh Abdualloh's was misunderstood and his urge for maximum autonomy for the state was just taken for independence. All along he tried to avoid the disintegration of the state. That was why, in order to accommodate the wishes of the masses of the different regional and cultural units of the state he and his colleagues were working to create a republic within the Republic. Even Sri Amar Kashtriya Prantic Sabha, Jammu a negative role passed a resolution condemning the idea of Republic within Republic and the adoption of State emblem. It termed the consembly of Kashmir as bogus consembly.

Meanwhile with the sudden death of Dr. S.P. Mookerjee in detention, the whole Northern Indian plunged into profound grief and submerged by a kind of anti-Nehru and Anti-Abdullah wave. P.P. refused to believe that death occurred in natural circumstances and charged Sheikh Abdhullah as murder in spite of the fact ~~xxx~~ he pleaded to be innocent.

However the first popular elected Sheikh ministry was dismissed on 8th August 1953 and Sheikh along with his other supporters were arrested on 9th August. But Sheikh's political martyrdom had made him a popular hero of Kashmir once again. Bakshi, who succeeded Sheikh, while broadcasting from Radio Kashmir on 21 August, 1953 declared: "the rights and privileges that we secure for the state as a whole have to be shared in equal measure by the people of its different parts. The Govt to secure equal share of its beneficent activities to the people of the various constituent units of the state and to safeguard representation of all regions in every sphere of administration and social life.

Dogra nationalists seemed to be pacified with the fall of 1st Sheikh ministry and his arrest. That was why P.P. leader easily fell in the trap of Bakshi, who required their support to consolidate his political position. Bakshi made some promises with P.P. leaders but ~~xx~~ backed out later on. Pt. P.N. Dogra in his letter to Bakshi dt. 1-2-1954 reminded him his assurances made to him and pleaded for their fulfilment. However, the Basic Principles Committee submitted report to the Constituent Assembly which was adopted unanimously with minor amendment on 6th Feb. 1954. Pt. P.N. Dogra in his 15 pages memorandum submitted to the President of India on 1st April 1954 raised number of objections against

the constitutional proposals. Here again he demanded the shift of more and more powers from Kashmir to the Central Govt. rather than demanding the sharing of political power with Kashmir. Bakshi succeed in creating defaction within P.P. by distributing favours to some of its leaders.

Even after the merger of P.P. in Jana Sangh in 1964 the Dogra nationalist of Jammu continued to play a negative role. They were always worried about the shift of more and more powers from Kashmir to Delhi, but never thought and fought for Jammu's status within the State and for Jammu to be equitable partner with the Valley in exercise of political power.

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role between Sheikh Abdullah and Indian leadership. Balraj Puri claimed to be one of those and helped Jammu to bridge rather than barrier between Kashmir and rest of the country. But the state Jana Sangh still remained adamant against placing the Kashmir Leaders particular Sheikh Abdullah.

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A STUDY OF
KASHMIR'S CONSTITUTIONAL RELATIONSHIP WITH THE
CENTER IN ITS TRUE PSYCHO - POLITICO-HISTORICAL
PERSPECTIVES

By: Dr. Vidya Bhushan*

In the lap of the Himalayas lies the world famous Valley of Kashmir, surrounded by mountains where the frisking cascades, bubbling springs, sprawling verdant fields and saffron belts have remained unchanged despite invasions of the Moghuls, Tartar, Huns, Pathans, ^{Sikhs} ~~Skis~~ and others.

Kashmir whose borders touch Pakistan, India, Afghanistan, Russia and China has enthralled poets, emperors, warriors, sages and saints by its talismanic charms which nature has bestowed on it in abundance.

It is not only because of art and culture, natural beauty and panoramic landscapes that Kashmir is famous in the world but it is well known because of its geographical, military and political importance in this whole region, particularly in the sub-continent. With all this, its civilization, history and unique style of the ~~xxxixxxxxxxx~~ people's living have been its greatness. And people of the region have, from the very inception, remained desirous of maintaining their individuality and freedom. Whenever any foreign aggressor, after crossing its gorgeous ravines and mountain passes, tried to subjugate her people, the cross-section of the Valley's citizens did not lay their arms easily.

^{with}
When the withdrawal of the British power from the Indian sub-continent, transfer of the powers

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and the partition of the country created a set of new circumstances and situation, ^{and} the State of Jammu and Kashmir acceded to the Indian Union. The offer of the accession was made by the Maharaja and supported by the leadership of the All J&K National Conference. ~~It, being an integral part of the India Union, enjoys a special status by virtue of Article 370 of the Indian Constitution.~~

However, Jammu and Kashmir State, which is an integral part of Indian Union, enjoys a special status by virtue of Art. 370 of the Indian Constitution. ^{But} ~~However~~, the Kashmir's constitution, ^{and} relations with the Union of India is still an incomplete story of adjustment of respective sphere of power between federal polity and ^t a constituent unit. It actually reveals the hazards of National building in the developing world, Where plurality of religion language, race and culture geographical factors and uneven political developments creates strains and stresses in the adjustment of relations.

The process of integration and ^t ~~constitutional~~ adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir. The constitutional relationship between state and central govt. continued to be governed by the provision of the Kashmir's instrument of Accession of 26th Oct. 1947. When the constitution of India was being completed ~~by 1950~~, it was deemed necessary to make provisions in Indian Constitution regarding the status of Kashmir state. Certain broad principles were agreed upon by the centre and state leadership in a meeting held in Delhi in

May, 1949. The position crystallised finally, when the special provision 306-A drafted to be placed before Consenbly of India. This draft Act was revised three times just to accommodate the view points of both the parties. The provisions giving a special status to the Kashmir state, therefore, were finally embodied in the Art.370 of the Indian Constitution. It was a step to fulfil the long cherished desire of Kashmir leaders with regard to State autonomy by limiting the powers of Union President and parliament. Thus only Art.1 and 370 of the Indian Constitution were to apply to Kashmir.

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A look at the working of Jammu and Kashmir state's relations with the Indian dominion makes a clean sweep of the lurking fear^{at the mind of some political parties and leaders} that its special status may prove dangerous for the national integrity and solidarity. Article I of the Indian Constitution applicable to the state without any modification is an assurance in this direction. The conception that incorporation of article 370 may create a 'Republic within a Republic' is not correct. It is a constitutional guarantee and a psychological satisfaction for Kashmiris and Kashmiri leaders. The reality is that Jammu and Kashmir state is also subject to the same pulls and pressures to which other Indian states are. It is believed (Jana Sangha) that urge for autonomy^o will spell the disintegration of India and that other states will also press for autonomy. But ~~there~~^here is already a trend going on in the states to ask for more and more autonomy for themselves (Tamil Nadu, Assam, West Bengal, Punjab Akalies). The trend may be described as from universalism to that of particularism or from a unitarian pattern of federalism to plurastic^h pattern of federalism.

In case of Jammu and Kashmir State, the circumstances were more special and difficulty and the aspiration for more autonomy within the frame-work of the Indian Political system is not altogether singular and unique. A look at the speeches made by the members in the Indian Constitution Assembly makes it clear that there were states and communities which has reservations about the strong centre and mode of appointment of Governor and his discretionary powers. For example, relatively backward states like Assam and Orissa were in favour of weak centres. As opposed to this, Madras was in favour of a strong centre. States, where Muslims were in a minority favoured strong centre while as the Sikhs who constituted a minority in the country as a whole but a sizeable number in Punjab were in favour of weak centre. Similarly, the members of the members of the Brahmin caste were more favourable to a highly centralized federation than the members from ~~xxxx~~ other caste.

So Jammu and Kashmir state is not the only exception. It is, however, otherwise different. The quantum of difference may be unique, but there ~~is no~~ principles of difference ~~is not~~. There is a tacit but a mistaken assumption of uniformity in the status of all the constituent units of the Indian Union. A close examination of the Indian Constitution will reveal that this assumption is mistaken or at least exaggerated, and the assertion made so often that fathers of our constitution were almost unanimous in establishing a strong centre is not correct.

There are special provisions governing certain groups of people such as minorities, Scheduled Castes and Tribes, and the administration of certain areas. The fifth schedule for example provides for differential treatment for scheduled tribes and special dispensation for the administration and control of scheduled areas. Some of these provisions have the effect of diminishing the powers of the state government under whose territorial jurisdiction these areas fall. The sixth schedule again provides for another set of special considerations to govern the administration of tribal areas of Arunchal, Meghalaya and Mizoram. There are still other special provisions governing Assam and Nagaland.

The so-called Kashmir problem was, and is, in fact involved into an issue for "more autonomy". The demand for autonomy and retention of Art. 370 mainly comes from the valley because Kashmiries have not yet developed the psychological feeling of integrative identification with India which is very much there in case of other Indian races. Kashmiries and their leaders are looking at Art. 370 as a permanent guarantee for the preservation of their own nationalism.

More recently, stress is being placed on the state autonomy by different states of the Union, including Kashmir. If necessary, article 370 may be made to act as a wall of demarcation of the powers of the centre and the state. The fact that concurrence of the state government is a condition precedent to the extension of the centre's field to the state beyond the three subjects surrendered

to the centre in the Instrument of the State's accession, it is a sound democratic basis of the state's partnership in the Indian federal setup.

I may conclude that the working of centre-state relations in India shows that to have a uniform pattern of relations is not a must for the working of federalism. India being a plural and politically uneven society the centre state relations have to be of a varying nature. Throughout the constitutional development there was an attempt in the direction of uniformity. But complete uniformity and stability ^{were} was not possible because of the dynamic nature of the society and tensions between the centre and the states are not peculiar to any particular political system. They have existed in all federal states. The federal political system established in the developing areas have not always proved stable and successful. Some have disintegrated, others have been converted into a unitary political unions. ~~Nor has~~ the federal solution ^{has not} ^{always} been accepted as the appropriate one to begin with. In Guyana, Ceylon, Sudan and Belgium Congo, despite the urgent advocacy of federal political structure by certain groups, unitary government was chosen right at the outset. Revolt by East Bengal against Pakistan and the secession of Singapore from Malaysian federation are the two cases ^{near} at home. In India too centre-state relations are subject to tensions and revisions especially in case of J&K state. But the demand for greater and greater state autonomy here has amounted neither to revolt nor to

secession from the Indian federation. This is due to the skilful administration and the long sighted political acumen of the leaders and rulers concerned. Demands are being proportionately made and responded in order to maintain the equilibrium.

A STUDY OF
KASHMIR'S CONSTITUTIONAL RELATIONSHIP WITH THE
CENTER IN ITS TRUE PSYCHO - POLITICO-HISTORICAL
PERSPECTIVES

By: Dr. Vidya Bhushan^{*}

In the lap of the Himalayas lies the world famous Valley of Kashmir, surrounded by mountains where the frisking cascades, bubbling springs, sprawling verdant fields and saffron belts have remained unchanged despite invasions of the Moghuls, Tartar, Huns, Pathans, ^{Sikhs} and others.

Kashmir whose borders touch Pakistan, India, Afghanistan, Russia and China has enthralled poets, emperors, warriors, sages and saints by its talismanic charms which nature has bestowed on it in abundance.

It is not only because of art and culture, natural beauty and panoramic landscapes that Kashmir is famous in the world but it is well known because of its geographical, military and political importance in this whole region, particularly in the sub-continent. With all this, its civilization, history and unique style of the ~~xxxxxxxxxxxxxxxxxxxx~~ people's living have been its greatness. And people of the region have, from the very inception, remained desirous of maintaining their individuality and freedom. Whenever any foreign aggressor, after crossing its gorgeous ravines and mountain passes[^], tried to subjugate her people, the cross-section of the Valley's citizens did not lay their arms easily.

^{with}
When, the withdrawal of the British power from the Indian sub-continent, transfer of the powers

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and the partition of the country created a set of new circumstances and situation, ^{and} the State of Jammu and Kashmir acceded to the Indian Union. The offer of the accession was made by the Maharaja and supported by the leadership of the All J&K National Conference. (It being an integral part of the India Union, enjoys a special status by virtue of Article 370 of the Indian Constitution.)

However, Jammu and Kashmir State, which is an integral part of Indian Union, enjoys a special status by virtue of Art. 370 of the Indian Constitution. ^{But} However, the Kashmir's constitution^{al} relations with the Union of India is still an incomplete story of adjustment of respective sphere of power between federal policy and a constituent unit. It actually reveals the hazards of National building in the developing world. Where plurality of religion language, race and culture geographical factors and uneven political developments creates strains and stresses in the adjustment of relations.

The process of integration and constitutionalst adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir. The constitutional relationship between state and central govt. continued to be governed by the provision of the Kashmir's instrument of Accession of 26th Oct. 1947. When the constitution of India was being completed ~~by 1950~~, it was deemed necessary to make provisions in Indian Constitution regarding the status of Kashmir state. Certain broad principles were agreed upon by the centre and state leadership in a meeting held in Delhi in

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During the first phase of the democractic rule in the state, which started with the state's accession to Indian union way back in Oct. 1947 and terminated with the Sheikh's dismissal and arrest in August 1953, the National Conference leadership demanded concessions and maximum autonomy in order to protect their separate Kashmir Nationalism. Such a move was against the demand of the integrationist group particularly in Jammu region which was agitating for full integration of the state with the Indian Union. The attempts were also made to build such a structure which would meet the demands of both the groups-the autonomists and integrationists. Thus Delhi Agreement of July 1952 was signed between the State and Central leaders to build a structure of the constitutional relationship between Kashmir, ^{and the centre.} But building structure (i.e. Art. 370 and Delhi Agreement 1952) was more in favour of state autonomy. And some of the controversial issues, jurisdiction of supreme court, functional, integration, election commissioner, Comptroller Auditor-General, Emergency powers of the president left

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In the wake of the constitutional crisis the aspirations of the larger part of the people in the valley concentrated on having larger autonomy in the State's relationship with the Indian union. The secessionists and the integrationists treaded on two extreme paths. In the result, the effort of the Kashmir leadership was to rally and placate the diverse elements in the state to an endorsement of the larger state autonomy. The Kashmir leadership heard the slogans of the Jammu integrationists and wanted to assure the people in the valley that larger autonomy of the state would not be sacrificed at any cost and they were ready to have a constitutional set-up in which all major cultural units could have a larger measure of internal autonomy.

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However, credit must be given to the new regime for introducing land reforms in the state at a time when nobody in Pakistan and very few in India had thought of making experiment. The abolition of big landed estates and interests and the destruction of agrarian aristocracy, the abolition of indebtedness and usury, restitution of mort-

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XX As a consequence of these measures some criticism and
controversy rose in some parts of Jammu as well as outside.
The critics in India even suspected the very motives of
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-3-

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though theoretically sound, were introduced in a huff.
The breathless hurry in which a time old system was abolished
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This became one of the main causes of the Praja Parishad
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affected that section of the Jammu Province which consisted
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where a few students staged a demonstration and registered a protest against the hosting the National Conference Flag, led to their penalisation, students' hunger strike, violence police lathi-charge, firing, intervention of army, imposition of 72 hours' Curfew and arrest of Paraja Parishad leaders. Mirza Mohd Beg, the then Chairman of the Basic Principles Committee, declared that the State of J&K would be "an autonomous Republic with the Indian Union, with a separate President, National Assembly, Judiciary, Regional Autonomy and separate Citizenship."⁶

Beg's statement was deeply resented not only in Jammu, but in Ladakh and created serious apprehension about the credibility of the leaders of Kashmir.⁷ The already pent-up feelings of the people of Jammu were kindled and the result was protests and agitations against the government. They developed the psychological feeling that the new regime was "Anti Dogra." These feelings were the ^{se} right from the day when the royal dynasty was terminated. They started criticising the Governmental Policies and demanded more integration and abrogation of Article 370. The result was internal instability.

Another reason which threatened internal stability was the undue intervention of Indian leadership in Kashmir affairs and the wrong interpretation and exaggeration by the press, of the speeches delivered by the National Conference Leadership during that period. Mr. Beg's Announcement in the state Constituent Assembly that . . . "so far as

the Constitution of the State is concerned we aim at making its frame worksuch that the State will be an autonomous unit within the Indian Union⁸" was highly certised by the Indian Press.⁹ Indian Leaders and the press took autonomy for independence. Even Mr. N.C. Ayyangar, the then Minister of State of India who visited Jammu in April, 1952 to study the situation and to cool passions, ^aadvised that the farmers of the state Constitution to be practical and not led by Shibboleths and theocratic ideas and rather to display a measures of political wisdom.¹⁰ At his instance the Praja Parishad leaders were released. But Sheikh Abdulkah felt hart by central interference. In another speech on April 6, 1952 at Hazaratbal, Sheikh Abdullah pointed out that in no way Kashmiris were prepared to renounce their cherished ideology in furtherence of whichthey had offered blood and sweat during the last two decades. He added that Kashmiris had acceded to India in three subjects - Defence, External Affairs and Communication and they enjoyed complete freedom in their internal affairs.

On the other hand the consenbly of Kashmir Unanimously adopted a separate flag for the state on 7th June 1952 and the intern report of the Basic principle Committee for the abolation of heredity monarchy and the elective head of the state on 12th June 1952. As a recitation in some emotional out burst Sheikh Abdullah made certain out spoken statements, for example, his speech on 29th March, 1952, in the Constituent Assembly,¹¹ wherein ~~the~~ he declared : " we are a hundred per cent sovereign body"¹² Further- more his speech at Ranbir Singh Pura on 11th April, 1952 caused a lot of suspence and a chain of angry reaction.:-

Referring to "Unrealistic, childish and insane" arguments for full application of the Union Constitution to the state, he said :

"No one can deny that the communal spirit still exists in India. Many Kashmiris are apprehensive as to what will happen to them and their position if, for instance, something happens to Pandit Nehru As realists, we Kashmiris have to provide for all eventualities. If a special status for Kashmir was not granted in the Indian Constitution, how can we convince the Muslims in Kashmir that India does not interfere in the internal affairs of Kashmir? We have acceded to India in regard to defence, foreign affairs and communications in order to ensure a sort of internal autonomy if our right to shape our own destiny is challenged and if there is a resurgence of communalism in India, how are we to convince the Muslims of Kashmir that India does not intend to swallow up Kashmir Such developments might lead to a break in the accession of Kashmir to India." 13

The Sheikh repeatedly assured his people that he had never surrendered to Muslim communalism of Pakistan and would never surrender to Hindu communalism of India.

The movement for autonomy of the state in the valley and for its integration in Jammu were in reality complimentary. Sheikh Abdullah said :

"If Jammu and Ladakh so desire they can decide to integrate with India and leave the valley free to have a limited accession." 14

Actually, what Sheikh Abdullah wanted and wished for was neither the accession of the state to Pakistan nor its independence, but his slogan was "Maximum autonomy for the State within the Indian Orbit,¹⁵" which had been misinterpreted since his Ranbir Singh Pura speech. Politicians in India expressed dis-satisfaction with these statements of Sheikh Abdullah, and the result was an uproar in the state and in India. Pandit Nehru, who otherwise had been giving support to the policy of his long time friend, declared that he did not like these, especially the tone of his speeches. Indian leaders got alarmed on seeing the deteriorating internal situation of the State. Which could have provided a golden opportunity to interested foreign powers. A sort of tug war was going on between the integrationists and autonomists. So, left with no alternative, the Indian Government intervened and invited Sheikh Abdullah for talks in Delhi. But he refused to come for several months. He sent his emissaries to prepare the ground for an agreement which would stipulated a privileged, autonomous position for Kashmir in the Indian Union.

Later-on, compelled by circumstances, Sheikh Abdullah agreed to visit Delhi for talks; and it was in the month of July, 1952, that an agreement was signed. Delhi agreement was a further guarantee of the special status of Kashmir. In an statement made on July, 24th, 1952, in the Lok Sabha, the Indian Prime Minister gave details of the terms of the agreement concluded after a week of negotiations.¹⁶ The subjects covered in these negotiations were :-

1. Residuary Powers;
2. National Flag;
3. Powers of the Indian President;
4. Conduct of Elections to the Houses of Parliament;
5. Headship of the State;
6. Citizenship;
7. Emergency Provisions;
8. Fundamental rights;
9. Jurisdiction of the Supreme Court of India and
10. Financial Integration.

On most of these subjects, baring the last three, agreements were reached. The Residuary Powers remained with the State, the State Flag was to continue for "historical and sentimental reasons connected with their struggle for freedom,"¹⁷ but the supreme position of the Indian Flag was recognised. The powers of pardon etc. of the President and applicability of Article 324 to the election to the parliament ~~House~~ would continue. On the question of the headship of the State the decision of the Jammu and Kashmir Constituent Assembly was accepted and it was suggested that the Sadar-i-Riyasat should be elected by the Assembly for a period of five years, and be recognised by the President.

Regarding citizenship, it was recognised that although under Article 5 of the Indian Constitution the residents of Jammu and Kashmir would be citizens of India but the State

Legislature could define their permanent residents and confer on them special rights and privileges, especially in regard to the acquisition of property and holding of employment under the state.

On the question of emergency it was agreed that Article 352 should apply to Jammu and Kashmir but the proclamation of emergency issued by the President on grounds of internal disturbances or imminent danger thereof must not be made in relation to Jammu and Kashmir except on the request or with the concurrence of the State Government.

The Fundamental Rights of the Indian Constitution, it was recognised could not be applied to Jammu and Kashmir in full because of a different political situation in the state and because of the socio-economic policies of the State Government under the New Kashmir Programme. It was decided that the whole matter should be studied further to find which fundamental rights should be applied to Jammu and Kashmir, and with what modifications.

The jurisdiction of the Supreme Court was another question over which final agreement was not forthcoming. The Supreme Court's jurisdiction was recognised with regard to such fundamental rights as would be agreed to by the state, and also regarding disputes mentioned in Article 131 of the Indian Constitution. It would be final court of appeal, but detailed examination of this would be necessary, and it was agreed to consider it further some other time. Finally, the necessity of some financial arrangement was seen, but a detailed and objective examination was considered

necessary. Pandit Nehru while justifying the Delhi Agreement in Parliament, said :-

2/ ?
".....there was general agreement that there should be fundamental rights and these rights should apply to the state. But again there were great apprehensions in the minds of our friends from Kashmir. First of all, the question was how far these fundamental Rights might come in the way of their land legislation or any other development of it..... the second thing was all the business of invasion of Kashmir, war, ceasefire, all kinds of continuing tensions, difficulties due to infiltrating etc..... espionage casesthere is sabotage and unrest. So we were told that some part of the Fundamental Rights might very well hamper the activities of the State Government from taking (necessary) precautions. We agreed that this was essential in the interest of Kashmir, situated as the State is now "18

During the course of the Lok Sabha debate on Delhi Agreement on 7th & 8th August, 1952, Pt. Nehru said :-

"The strongest bonds that bind us will not be armies or even of Constitution to which so much references have been made but bonds which are stronger than the Constitution and armies - bonds that bind through love, affection and understanding."

Indian leaders justified the Agreement on account of the abnormal conditions in the State caused by invasion etc. Pt. Nehru, however, arranged a meeting of all the opposition elements of the parliament with Sheikh Abdullah, who congratulated him on the Agreement. But the Communist group, comprising P. Sundaraiyya, Hiren Mukerji and Ajoy Ghosh, met him again secretly at 5 Prithraj Road and impressed on him that Agreement really meant his surrender to Nehru. But the State leaders gave their own reason for the granting of special position to Kashmir under the Delhi Agreement. For Example, Mr. Beg said, "..... it is because of its special character and the struggle for freedom which the people of Kashmir have led. Ka-shmir, let me say, is the only state with its composition of population which choose voluntarily to accede to India and we are happy about it secondly, Kashmir has a strong popular movement behind it, for which we fought for 21 years. That movement was for the establishment of communal harmony and welfare of the masses. Kashmir has before it a definite socio-economic programme of its own In order to implement that programme by common consent an agreement was signed and special position was given to us. Therefore, any question of having given special position to us for a temporary period does not arise. It was never given to us because our question is hanging fire in the United Nations or because Pakistan put forward its right over Kashmir, but because of the reasons I have mentioned." ¹⁹ So there was a variation in the reasoning of the two sides. The National Conference viewed the Delhi Agreement as a guarantee for permanent autonomy. This variation in the approaches later on became one of the reasons for crisis and break between

the state and Union leadership.

Objections were raised with respect to Emergency Powers; Fundamental Rights, Double Citizenship, Separate State Flag, and with regard to the Supreme Court's Jurisdiction etc. Opposition parties raised a hue and cry in Parliament²⁰ and asked how it can be reconciled with the claim that accession is complete, because there is a serious limitation on the authority of the Union President bearing intimately on defence, which is one of the three heads under which Kashmir~~x~~ had acceded. No other reason had been given by the then Prime Minister, Mr. Nehru, for agreeing to this limitation except that the friends from Kashmir~~x~~ were slightly apprehensive of what internal disturbances mean and he said:

"We should think that the terms would mean the same thing in the context of Kashmir as in that of any other of the Constituent Units".²¹

Ayyanger, while replying to the critics in the Council of States, said that there was nothing to prevent Parliament from making a law under item No. 1 of the Union List, which covered an aspect of defence and enabled the centre to take some what similar action when the peace and security of India were threatened by some disturbance inside the state. Doubts were further removed by Sheikh Abdullah when he said:

".....We told them that Kashmir has acceded to India in the matter of defence and that they can take necessary steps

governing this under Schedule 7 Item 1
and there is no need of the application
of Section 352 " 22

With regard to Fundamental Rights, similarly,
the stand was justified both by Indian and State leaders.
Nehru, while defending the land reform programme said:

"Personally, I feel that this land
reform is one of the biggest and
desirable things they introduced in
Kashmir so when we consider
fundamental rights, one has to see to
it that in Kashmir this step of land
reform, cannot be challenged in a
Court of Law." 23

Sheikh Abdullah, while emphasising the need of
the application of restricted fundamental rights said:

"The Fundamental Rights which are
contained in the Constitution of India
could not be conferred on the people
of Jammu and Kashmir in their entirety
taking into account the economic,
social and political character of our
movement as enunciated in the New
Kashmir Plan." 24

Consequently the supremacy of the Supreme
Court was also made subject to a few limitations. And
here lies the autonomy of the State as compared with
rest of the Indian States, while defending the move

Sheikh Abdullah said :

"We have got no objection to the Supreme Court's interpreting these rights but first we must frame these Fundamental Rights".²⁵

On 14th August, when Abdullah wanted the State Assembly to consider the Agreement, emphasis in the speeches varied, but no dissident opinions were expressed. One member said that his faith in India had been strengthened after the Agreement;²⁶ another maintained that, "We have acceded to India with a definite purpose".²⁷ Unless this purpose is achieved we will stick to it. All members generally emphasised the need for autonomy and the amendments moved were indication of of the same trend. One amendment wanted the Head of the State to hold office "as long as he command the confidence of the legislature" and not of the Indian President.²⁸ Another amendment wanted Article 352 to be used at the request of "the Jammu and Kashmir State" and not of the Government of India.²⁹ Yet another amendment wanted a separate set of Fundamental rights for the State.³⁰ Although the amendments were not accepted, the predominant urge for a degree of special autonomy for Kashmir could be noticed. One common argument ~~what~~ was that the National Conference was committed to its programme of Naya Kashmir, 1944. Whatever might be the diverse motives for autonomy, it was evident that inside the ruling party there was a desire as much to associate with India as to seek a special status within the Indian Union. Therefore,

arriving at the arrangement the attempt was to preserve the maximum of State autonomy while discharging the obligations as a unit of the federation. The Praja Parishad was of the view that Agreement was another surrender at the altar of communal intransigence and separation of Sheikh Mohd. Abdullah. "A fraud on Indian people and an attack on Indian Constitution".³¹ Mr. Prem Nath Dogra declared that Praja Parishad would launch a satyagrah if the Agreement was enforced".³²

There was also a deep resentment in Ladakh also and events had taken some what similar turn as in Jammu. Kushak Bakula, the head Lama, voiced the feelings of the people of Ladakh when he declared that in the event of Kashmir drifting away from India the Ladakhis would break their connection with the State and merge with the Indian Union.

....

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2. The All J & K parajha Parishad Memorandum submitted to the President of India. 19th June, 1952

3. (i) Bohunary, Vidya: State politics And Government, Jammu & Kashmir O.P. cit. p. 179

(ii) J & K C.A. Deb. Vol II No 1 Df 23-3-1952, 19th Aug. 1952, ~~Vol V No 3~~ ^{Vol IV No 3}

4. ~~Gud~~ Gundevia, Y. D.: The Teach Testament of Sheikh Abdullah Palit & Palit publishers

5. Prime Minister's speech on Kashmir in the Council of Ministers States on 5th Aug. 1952. New Delhi 1947.

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8. J&K C.A. Deb dated 25th March 1952.
- 9 The Times of India 27th March 1952
- 10 The Hutchinson Times dated 9-4-1952
11. Delhi Radio: Indian Information Service, 31st March 1952
12. Ibid.
13. Ichidmat, Srinagar 13 April 9, 1952
14. Varshit, Sahsh: Sheikh Abdullah Then And Now
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15. The Indian Express. ~~11th January~~ 11th January 1973
- 16: Parliamentary Debates. House of people part II no.3
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17. J&K C.A vol III No1, 1952.
- 18 Smith, Sheobhan, and Bansal, J-P: Kashmir And other
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28. Ibid P-7 (Abdul Ghani Goni)
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 30. Ibid P-9 (Asadullah Mir)

19. JAK C.A. Deb. Vol IV No 3, 19th August 1952 P-15,

20. Suchilakshmi and S.P. Mukerjee - Lok Sabha Debates on 7th August 1952 published by Press and Information Dept. Srinagar.
 21. The Anant Bazar Patrika, Calcutta July 26, 1952.

22. JAK C.A. Deb. Vol IV No 3 19th August 1952 P-40

23. Text of Prime Minister's speech on Kashmir in the Raj Sabha, 5th August 1952 P-27, published by Information Bureau, Govt. of India.

24. JAK C.A. Deb. Vol II No 3 ~~19th August 1952~~ P-43

25. Ibid

26. JAK C.A. Deb. Vol IV No 2, 1952 P-4 (Mubarak Shah)

Remarks

Note : If any regarding the number of questions to be attempted and mode of selection of questions must be written below
 27. Ibid. P-16 (Mir Qasim)

Serial No.

31. ~~Abdullah Pact~~ An unholy Agreement and Fraud
 Title of Paper: ~~Abdullah Pact~~ An unholy Agreement and Fraud
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 Paper: ~~Abdullah Pact~~ An unholy Agreement and Fraud
 Year: ~~Abdullah Pact~~ An unholy Agreement and Fraud
 Examination: ~~Abdullah Pact~~ An unholy Agreement and Fraud
 32. The Organiser (Weekly) Vol IV, No II, 27th Oct, 1952.
 Annual/Supplementary: ~~The Organiser (Weekly)~~ Vol IV, No II, 27th Oct, 1952.
 Year: ~~The Organiser (Weekly)~~ Vol IV, No II, 27th Oct, 1952.
 Examination: ~~The Organiser (Weekly)~~ Vol IV, No II, 27th Oct, 1952.
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CONVENING

POLITICS OF A SEPARATE CONSEMBLY FOR KASHMIR

Although the idea of having a constitutional body for the State was first mooted in a representation submitted to Lord Reading when he visited Kashmir in 1924¹ and it was repeated by the political parties at different occasions, yet it was not achieved till the establishment of a popular Govt. in the State. The General Council of the All Jammu and Kashmir National Conference as early as 1948, again urged the State Govt., to convene a consembly in the State to shape the future destiny of its people and to implement the cherished objectives of the New Kashmir Programme.²

On March 5, 1948, about five months after the accession, the Maharaja of Kashmir issued a proclamation replacing emergency govt., by a popular interim govt., and proposed to convene a Constituent Assembly based upon adult suffrage and proportionately representing all the sections of the population and the areas of the state as soon as the normal condition³ in the State would be restored.

¹ Mohammad Yusuf Saraf, p. 337, op.cit., n. 13, Ch. II.

² Vidya Bhushan, p. 80, op.cit., n. 25, Ch. VII.

³ Proclamation Shreeman Inder Mohinder Raj Rajeshwar Maharaja Adhiraj Shri Hari Singh Ruler of Jammu & Kashmir and dependencies, Jammu, March 5, 1948.

The need of convening the consembly to draft a separate constitution of the people of the state had been the settled policy of the Govt. of India.⁴ This right had also been recognised under Art. 370 of the Indian Constitution.

Meanwhile, the General Council of the All J&K National Conference which met in a session on Oct. 27, 1950 at Srinagar after examining the Sir Ivon Dixon report submitted to Security Council of the United Nations, was of the opinion that the United Nations had failed to find out solution of Kashmir issue. Thus in order to end the state of uncertainty wait and see, frustration and agony, and fully recognising their right of self-determination, the General Council issued a mandate to the supreme National Executive of the National Conference for the convening of the state Consembly based upon adult suffrage and embracing all sections of the people and all the constituents of the state for the purpose of determining the future shape and affiliation of the State of Jammu and Kashmir.⁵

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- 11.4. India and Kashmir : Constitutional Aspects (Ministry of I & B, J&K Govt.) year not mentioned.
- 11.5. Constituent Assembly for Jammu and Kashmir, Resolution adopted by the General Council of the All J&K National Conference on Oct. 27, 1950 published by B.P. Sharma, Principal Information Officer, J&K Govt. year not mentioned, p.1.

As a result Yuvraj Karan Singh, the then Regent of Jammu and Kashmir State and the son of last Maharaja, issued a proclamation for the convening of the Consembly on April 30, 1951.⁶ 113 The First session of the Consembly, however, was held on Oct. 31, 1951 at Srinagar.⁷ 114

The Rightist parties of the State reacted violently to the proposal to set up a separate Consembly for the Jammu and Kashmir State. These parties in Jammu favoured the full integration of the State with India and the application of Indian Constitution to Kashmir in its entirety.⁸ 115. The rightist parties in the valley on the other hand described this move to deprive the people of Kashmir of their right of self-determination.⁹ 116 They also questioned the validity of the convening of Consembly, when half of the State being out of India's control, and thus not having any representation in the Consembly. They, therefore, regarded such a move as an endorsement of the forcible, illegal and immoral

113. J&K Government Gazette Extraordinary of 1st May 1951, J&K Govt., Archives Old Secretariat, Jammu.
 114. C.A. Deb. Vol. 1, No. 1, J&K Govt. 1951.
 115. The Hindustan Times (New Delhi), Dec. 18, 1950.
 116. Dawn (Karachi), Nov. 1, 1950.

occupation of Kashmir on the part of India by means of a "deliberate fraud".¹⁰

As already pointed out that the communists in the State as well as in India had favoured the right of self-determination on the part of the multi-national and the pluralistic societies in order to emerge as independent states. They welcomed the decision of convening a separate consembly in Kashmir to shape the future destiny of its people who had suffered heavily at the hands of Dogra autocrats for over a century. They believed that by convening their own Consembly, the people of Kashmir not only could better fight against imperialist forces and Indian reactionaries, save state from outside domination and also be able to implement to radical reforms as envisaged in the New Kashmir Programme.

Mr. G.M. Sadiq who had little hope of getting the National Conference mandate for Consembly elections, because of his unpopularity with the rank and file of the organisation, not only got elected, but was also made the President of that august body due to the personal efforts of Sheikh Abdullah. Thus, in him a leftist had come to occupy one of the highest office in the Government.¹¹

10. Narinder Singh, p. 182, op.cit., n.65, Ch.VII.

11. A Study of the Communist Movement in Kashmir, p. 10.

The consembly in the early stages, appeared to be divided, broadly speaking, into three groups, there was within it a Muslim Communal group with secret sympathizers for Pakistan. Mr. Shamiri, the constitutional advisor to the State. Mr. Mubarak Shah, and Mr. Azad Ullah Mir were reported to belong to this group, besides many others, Mr. G.M. Sadiq led the leftist group, while Mr. M.A. Beg, Mir Qasim and Mirza Ghulam Mohd. were just in between the two groups and some time assumed the role of the leaders of both. The Masoudi-Bakashi group was blamed for anti-communist and pro-Indian leanings. ^{12. 119}

The first two groups, besides having the leadership influence of Mirza Mohd. Afzal Beg as the common factor between them wanted to keep Kashmir as far away from India as possible and both regarded the Masoudi-Bakshi group as their common enemy. ¹³

COMPENSATION FOR EXPROPRIATED LANDLORDS

As already discussed in details that in order

¹² Ibid.

¹³ Vidya Bhushan, p. 144, op.cit., n. 81, Ch. VII.

The question of land reforms have assumed a crucial significance in almost all the developing countries of the contemporary world. Although these reforms by themselves may not usher in an era of social equality yet they certainly constitute as one of the important instruments of bringing about such transformation of society, especially in the third world countries, the main stay of whose economy is agriculture. As agriculture is the pivot of developing economy and land is the most important means of production in agriculture, the struggle between the various classes in a society has mainly revolved round the question of ownership of land even today. In other words this right for land between clans, tribes or nations and within them, between land owners and landless formed the life of the people and determined the pattern of the society.

In India, too, which is also predominantly an agriculture country, the problem of land reforms has naturally been one of the most important items on the political agenda as well as political agitation and economic struggle particularly in post-independence era. As a result there have been an ~~immense~~ and unprecedented wave of land reforms in India since 1947. Although main objectives of

these measures are to give benefits to the bulk of agriculture population as well as promote social justice for the rural masses, yet these measures have achieved little success and remained, to a very large extent, confined to the statute books.

Viewing in this perspective the preceding chapters "POLITICS OF LAND REFORMS IN JAMMU AND KASHMIR" constitute an attempt to analyse critically the policies as well as socio-politico-economic impacts of the different land reforms enactments enforced in the State of Jammu and Kashmir from time to time.

~~A perusal of the pages may be sufficient to state~~
The land system in the state of Jammu and Kashmir, ^{however,} owed its genesis to the practices inherited from the successive alien regimes which ruled it for centuries by conquest, through the use of brutal force or by deceit or reward for retiring potentates over the state.,

→ In order to establish themselves in the foreign land, the successive ruling dynasties had created a class of feudal landlords who helped them in exploiting and

subjugating the masses. They were actually not landlords in strict sense of the term but a class of exploiters who, due to a weak government, had in a bid for power amongst the successive rulers of the time, built their own strongholds and living on the labours of the poor tillers, got themselves installed as landed aristocracy¹. Moreover, huge area of cultivable land used to be gifted away by the Pathan, Sikh, Afghan and Dogra rulers in Kashmir in favour either of their kinsmen and courtiers or those who were assigned the job of providing social purpose to their autocratic and undemocratic rules. Thus, the agrarian system before the introducing of regular settlement of 1889 was not only feudal in character but also exploitative in nature.²

The last two Dogra rulers did try to bring out certain reforms in the agrarian system but could not remove the burden of parasitic hierarchy of Jagirdars, Muafidars and Mukarraries.

The Kashmir State is, however, known to have blazoned a new trial in the whole country by attending to the most pressing matter of agrarian relations immediately after establishment of popular government in the state. In fact, as early as 1944, in the Naya Kashmir Manifesto of the

All Jammu and Kashmir National Conference, we find not only the articulation of the basic principles of land reforms and other social measures, but also a commitment to abolish intermediary agencies of exploitation and landlordism and an affirmation of the principle of 'land to the tillers'.³

The popular government of the All Jammu and Kashmir National Conference, believing that the age-old landlordism was the bane of State agrarian economy where more than 85% of cultivable land was owned by less than 13% of the non-cultivating landlords, took up the revolutionary programme of ending exploitation of rack-rented peasantry soon after the assumption of power in 1947. Besides *other* reforms like grant of fixity of tenure to the tenants in respect of tenancy holdings; fixation of the maximum rental payable by the tenant to his landlord; providing for summary reinstatement of a tenant, who had been wrongfully ejected; restitution of mortgaged properties; relief to the distressed debtors; abolition of Jagirs, Nufais and Mukararies; the Big Landed Estates Abolition Act of 1950 came to be enforced to provide immediate relief to the man with the hoe and thus to fulfil its promise held out to the teeming tenant population during freedom struggle in Kashmir.⁴

Under the provisions of the Big Landed Estates Abolition Act peaceful though revolutionary changes were brought about in the entire agrarian economy by conferring rights of ownership for the first time in our history on actual cultivating tenants of land, wherever landlords who were non-cultivating owned and possessed land beyond 182 kanals⁵. Thus, the breeze of change set the entire countryside agog in its length and breadth throughout the state. This Act has, therefore, revolutionized the whole fabric of rural economy of the state and has been acclaimed by peasants as being their Magna Carta.⁶

but excludes the site of any building in a town or village habitation or any land appurtenant to such building or site.²¹

A contingent of special staff consisting of Tehsildars, Girdawars and Patwaris was appointed to implement the provisions of the Big Landed Estates Abolition Act simultaneously in all the 29 Tehsils of the State. The law required the Special Tehsildar to serve a notice on every proprietor to select his unit of 182 kanals and to intimate to him the Khasra Numbers and the area thereof within such period as was specified, and where a proprietor complied with the notice, the land selected by him had to be demarcated on spot, and where he failed to comply, the Special Tehsildar had himself to reserve the land for such proprietor.⁷²²

By the end of July, 1952, the Special Tehsildars transferred an area of 1,32,469 acres to 1,28,781 tillers and vested an area of 47,804 acres in the State.⁸² The following table gives the figures Tehsil-wise:-

21.	Ibid, P. 10.
22.	Ibid., P. 11.
23.	N.S. Gupta and Amarjeet Singh: <u>Agricultural Development in India Vol.1 Jammu and Kashmir</u> , Seema Publication Delhi, 1979, P. 176.

Table - I

Name of the Tehsil.	Amount of land transferred to the fillets		Voted in the State		Total		No. of mutations registered		Mutations for released.		Amount of land Development Fund Charged		Increase in land revenue registered	
	K	M	K	M	K	M	6	7	8	9	Rs	a. p.	Rs	a. p.
Anantnag.	17,822	4	9180	6	27002	10	2094	4965	0	0	2039	6 9	134	8 6
Kulgam.	44,209	3	9678	41	53887	71	4543	8721	0	0	6021	4 6	1663	6 9
Pulwama.	41,057	1	9906	71	50963	81	4278	9573	0	0	4602	1 6	1689	1 6
Srinagar.	25,798	6	6960	3	32758	9	4208	7185	10	0	3260	10 3	875	1 6
Budgam.	28,799	10	7708	18	36508	8	4700	8009	9	6	3210	9 0	1196	15 9
Baramulla.	76,858	17	1408	8	78267	5	5554	11789	15	0	7807	3 6	1442	14 3
Sopore.	58,362	14	2430	17	60793	11	5812	11479	0	0	7200	0 0	355	1 9
Haridwara.	40,794	3	607	1	41401	4	4462	9010	0	0	2809	0 3	1303	3 3
Ladakh.	1,682	16	898	1	2580	17	306	529	12	0	95	8 9	39	15 3
Kargil.	1,025	17	488	11	1514	8	3	597	8	0	38	0 6	8	15 0
Uri.	386	18	624	19	1011	17	362	92	0	0	56	4 3
Kishtwar.	10,020	12	18707	13	28728	5	1489	3385	0	0	452	0 0	387	7 9
Bhadarwah.	22,231	3	17211	17	39443	...	2777	3867	0	0	1153	7 0	92	10 0
Ramban.	46,074	16	5458	2	51532	18	2539	4972	0	0	1202	2 0	929	3 3
Udhampur.	63,090	19	15320	11	78411	10	3246	6524	12	0	4206	5 9	636	3 3
Reasi.	38,422	2	32254	1	90676	3	2416	4575	1	0	1502	6 5	316	13 9
Ramnagar.	23,690	5	13591	2	37281	7	2507	3431	14	0	1113	4 0	171	3 0
Jamru.	54,405	1	13424	11	67829	12	5267	6956	6	0	3798	8 0	22	13 0
Almnoor.	63,116	14	31213	6	94330	...	3940	7302	4	0	1195	1 9	472	10 9
Samba.	51,897	15	56684	...	108581	15	3178	5475	0	0	2144	4 9	312	11 0
P. S. Pura.	79,579	4	11758	10	82337	8	5900	7246	0	0	6010	3 0	1223	9 0
Katana.	54,351	16	19998	4	74350	6	2156	5473	12	0	4814	3 3	2506	13
Basohli.	29,385	3	22575	4	51960	7	2843	4634	0	0	129	15 0	377	11
Jasmergarh.	63,394	8	26275	9	89669	17	3825	8551	0	0	5791	13 6	384	9
Rajouri.	61,920	18	15969	8	80890	6	4273	13628	4	0	1129	11 0	550	8
Masheera.	45,754	6	23866	10	69620	16	2712	4295	0	0	1307	14 6	63	63
Mirpur.	538	7	1306	6	1844	13	947	1049	0	0	74	1 9	65	65
Haveli.	1,087	...	6928	5	8015	5	755	734	0	0	82	8 9	64	0
Total	1059757	13	382434	15	1442192	13	83992	164502	11	6	74179	15 8	17283	0

(Note: The figures 3, 4 & 5 are in Kanals and Marlas. 20 Marlas Make One Kanal and 5 Kanals make One Acre)

It was, however, been provided that if there were more co-sharers than one in an occupancy tenancy and a portion of such tenancy was in the cultivating occupation of any co-sharer or co-sharers, the ownership right will, to the extent permissible, be granted to all the co-sharers jointly and beyond that to the cultivating co-sharer or co-sharers exclusively, and where-in the same holding, and part was not cultivated by an occupancy tenant, such occupancy tenant would be entitled to get the right of ownership as a non-cultivating occupancy tenant in respect of such land only as is found to fall short of the land for which he should have acquired ownership right had he been wholly non-cultivating. In calculating the total area comprising in an occupancy tenancy for purposes of grant of ownership right to the non-cultivating occupancy tenants, the land held in ownership right by such tenants within an area of which the right of ownership was extinguished, would not however, be taken into account.^{9 26}

In spite of the best intentions of the popular government enacting the Big Landed Estates Act, its defective implementation created a number of problems for the peasantry which defeated the very purpose of the Act and provoked serious criticism against it. Most of the top officials then were either party members or wielded an

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effective local authority. They not only favoured their
nears and dears in taking the best pieces of land but also
stood in the way of petty tenants to get the benefit of the
said Act. Thus, in many instances, the landless tillers
could not receive their dues. Moreover, in Ja-mmu province
the escheated lands had not been fairly distributed by the
revenue authorities, but only influential partymen succeeded
in getting land. The complaints were also heard that
landless people belonging to poor and backward classes were
deliberately ignored. Corruption was wide spread in
implementing Land Reforms in different parts of the
state.¹⁰ It is further pointed out that land distribution
was not carried out on scientific or rational basis. Under
the law the proprietor could retain 182 kanals, while the
tillers were permitted the ownership of 162 kanals,
irrespective of the fact that land was irrigated or not,
barren or fertile, flat or hilly.¹¹ The masses were of the
opinion that adopting the uniform size of holding throughout
the state was unreasonable. Moreover, no proper survey had
been made of land, tenants or proprietor's holding in
proprietary right or under the Tenancy Act, or under the Big
Land Estate Abolition Act. Lack of statistical information
was itself responsible for administrative injustice.

27. Hindustan Times, August 20, 1952 - "Many Anomalies
in Working of Land Reforms" (ed.)

28. Ibid

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Problems of Land Compensation and its Reference
to the Kashmir Consenbly

So far as the question of compensation was concerned, the Act provided that the Constituent Assembly/Legislative Assembly of the state should resolve it at a future date. This provision of the Act was criticised by the landlord lobby. There was resentment among them. They urged that right to property is their fundamental right under the Indian Constitution. They also argued that Article 31 and 19 (1) (f) also safeguarded their interest. The right to property is dealt with in two Articles of the Constitution. In Article 19(1) (f), it is mentioned as 'Right to Freedom' and the 'Right to acquire, hold and dispose of property' is guaranteed. Article 31 describes itself as dealing with 'Right to Property' and clause (1) guarantees the right not to be deprived of one's property save by the authority of Law. Clause (2) of Article 31, on the other hand, guarantees that private property cannot be acquired or 'requisitioned' by the State except for a public purpose and after providing for the payment of 'compensation'.^{12*}

They were arguing their case in the light of

29. D.D. Basu, : Commentary on the Constitution of India,
 II Volume 1965, P. 185, R.N. Sarpar, Calcutta.

above mentioned Articles. Even they had presented a memorandum to the President of India with the help of some opposition parties. They alleged that National Conference leadership in order to tarnish ^{their} image had enacted this Act. As prior to the introduction of this Act, National Conference leaders in their meetings had hinted that compensation would not be paid to the landlords after acquiring their land.

The Big Landed Estates Abolition Act provided for the question of compensation to be settled by the Constituent Assembly of the State and till such time as the question was settled, for payment by the Government to every proprietor who has been expropriated from any land and annuity in the following manners:-

- (a) for the first year after expropriation, an amount equal to $\frac{3}{4}$ of the land revenue assessed on the land from which expropriation has taken place.
- (b) for the second year, $\frac{2}{3}$ of such land revenue, and
- (c) for the third and subsequent years, $\frac{1}{2}$ of such land revenue.

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It was, however, laid down that the amount of annuity would not in any case exceed a sum of Rs. 3,000/- per annum and that it would not be payable in respect of any area held by the proprietor from land recorded as Shamilat (village common).

The Consemby by its Resolution dated November 6, 1951,¹³⁰ appointed an Eleven Member Committee³¹⁴ to examine and report on the desirability or otherwise of the payment of compensation for lands expropriated under the provision of the Big Landed Estates Abolition Act. The Land Compensation Committee in its report submitted to the President of the Consemby of the state pointed out that the Committee had considered the case for and against the payment of compensation in all its respects. It was of the view^e that the stand of the land-owning interests on the antiquity of the institution of landlordism, the paucity of returns of land investments, the legal obligation of payment of compensation, the

CCO. Nanaji Deshmukh Library, BRF, Jashpur Digitized by eGangotri Indian

states, the sanctity of property right in land and some other conditions had not stood the test of historical, economic and factual analysis. The Committee had been told that it was unnecessary and immaterial to consider the origin of ownership in the matter of compensation. That view would have been correct, had the tenure of land been uniform, regular and determinate. The members of the Committee had, on the other hand, held that large areas of state land were acquired by the landowners without spending a single penny. Moreover, no improvements had generally been made by the landlords on their holdings, and where any improvements had been made, they had been executed at the expense and labour of the cultivator and in any case the landlord had recouped the cost of improvements along with a substantial margin of profit. They had also noticed that in certain cases the lands originally owned by indigenous rightholders or reclaimed by the cultivators had been taken away from them and appropriated by other persons. Hence to support compensation to such persons would be like telling the tillers that though they had morally owned the land, they must buy it from those who did not morally own it. They did agree that there were cases of proprietors who had purchased lands in last few years but most of them had made large profits and in many cases all these were speculators in land in the ultimate analysis.

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The Committee, while referring the compulsory acquisition of the land, ¹² pointed out that the sovereign power of any state had authority to appropriate for purposes of public utility lands situated within the limits of its jurisdiction and the interests of the public were paramount and to such interests private interests might have to be subordinated where the state thought it proper. Moreover, in restoring the land to the tillers, the proprietors were not completely expropriated. They retained a fairly good portion of agricultural land, orchards and other reserves to boot.

The members of the Committee added ~~that~~ they could not have property deposited in their houses and hold that in their possession for all times without any regard to the question whether that served any purpose, function or work whatsoever. They were of the view that by its very nature property had become a social institution and in the interests of social progress, ^{it} was necessary, if circumstances so demanded, that it should pass on from being the concern of the individual, to being the right and concern of a larger section of their people. Equally, in dealing with the acquisition of property, they must necessarily have regard to the nature of the property, the history and course of enjoyment, the large scale of people affected by it.

They added that the abolition have had affected a

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small percentage of the landed interests. While it had expropriated about 10,000 big land-owners,¹⁶ it had benefited about 7 lakh tillers and simultaneously helped 96% of state population¹⁷ which depended directly or indirectly on agriculture.

The Committee, while pointing out that payment of compensation not desirable, said that the tillers to whom the excess land from which the big proprietors were expropriated was transferred in ownership right, were an indigent, improverished and much exploited by themselves. Hence no question of recovering the price of the land from them would arise. As a state with limited resources they were too poor to pay compensation from out of the State Revenue. Moreover, the financial liability would be of a very serious nature and payment itself would prove incalculably mischievous. Apart from these considerations there was no moral, economic or social basis for compensation.

The Committee, therefore, recommended that both on principle and policy, the payment of compensation to the expropriated proprietors was ^{not} desirable. Moreover, the

33. Ibid., P. 96.

34. Ibid

payment of compensation would also perpetuate the then existing inequitable distribution of wealth.

The Constituent Assembly of the state took its historic decision on 26th March 1952, ¹⁸ ordering that no compensation should be paid in respect of the land from which expropriation had taken place under the Big Landed Estates Abolition Act. This decision marked the end of an era of exploitation which had reduced the tiller to perpetual serfdom. This decision was hailed within and outside the state, as an outstanding contribution to the cause of the social justice and social stability which the then Government were determined to extend to the masses.

A ~~new~~ awakening consequent upon ~~this~~ radical transformation was also brought out without any payment of compensation to the expropriated landlords who had for years together exploited the rack-rented peasantry and had bled them so white as to make them incapable of lending to rural countryside the kind of enthusiasm and contended work so essential for proper land management in the interest of increased production.

After implementation of this revolutionary ~~measure~~ smugness, complacency, indifference, inconsistencies and inequalities got set into working of man-land relationship

Inquiry Committee Appointed to Examine
the Working of Land Reforms

Although the land reforms of 1950s benefited a large number of tillers of the soil, yet it would not be correct to say that no anomalies, lacunae, inequalities and inconsistencies were created as a result of these reforms. Because of certain loopholes in them, these reforms not only caused dissatisfaction among those landlords whose

35. Land Reform a Pamphlet by Land Reform Officer,
Op.cit., P. 21.

landholding exceeded the ceiling limit but also to certain other sections of people. In order to pacify the grievances of effected masses the then state government had appointed Inquiry Committee (called Wazir Committee) in February 1953^{17/36} to examine the working of these land reforms, price control etc. The Committee consisted of four members and a secretary.^{22 20 37} The Committee was to report on the following matters within two months:^{21 38}

- (i) Working of land reforms in kandi area of the State,
- (ii) Working of the system of price and other control prevalent in the state;
- (iii) Progress of rehabilitations of the displaced persons in the Jammu and Kashmir State; and
- (iv) Ways and means to be adopted for the rehabilitation of ex-servicemen of the state.

After examining the opinion, memoranda, and oral statements of all concerned. The Committee submitted the following recommendations^{22/44} to the State Government for considerations and adoption:-

- (i) The inconsistencies, anomalies and inequities caused by the adoption of Big Landed Estates Abolition Act be removed.^{23/45}
- (ii) The maximum unit for a proprietor in Kashmir kandi should be fixed at roughly 28 acres and for a proprietor in Jammu kandi it should be fixed at 34 acres.

If for any reason it be not practicable to increase the size of the unit in kandi areas then the proprietors should be given free hand in regard to their unit of land.

- iii) The maximum a tiller can acquire in ownership under the abolition Act together with the land owned by him should not exceed 65 kanals

acquiring by purchase or otherwise further land in ownership right up to the limit permitted for a proprietor.

(iv) There should be equitable distribution of land particularly in favour of landless tillers and the agricultural labours.

(v) The Government may consider the bonafide cases of mortgages that have taken place prior to 1st Katik, 2004 for some relief to them.

(vi) There should be no restriction on the absolute right of a proprietor to transfer his land subject to the provisions of the Land Alienation Act.

(vii) The Government may consider whether or not the disqualification, namely inability of a tiller to dispose of land transferred to him be removed after a certain period of time to be specified by the government.

viii) There should be no fragmentation of land below 65 kanals by partition.

- (ix) To ensure that the provisions of the Big Landed Estates Abolition Act have been correctly followed by the staff appointed for implementation thereof the Deputy Commissioners of district should inspect on spot a certain percentage of cases decided by the staff.
- (x) Clause IX of Section 15-C of Tenancy Act as enacted in the Amendment Act of 2005 be restored with the proviso omitted.
- (xi) The following explanation be added to Section 15-A of the Tenancy Act:-
- "The time spent in a suit for ejectment of a tenant up to its final decision and the time spent in execution of the decree obtained in the suit shall be excluded in counting the period of six years mentioned in the Section".
- (xii) An unsatisfied decree for arrears of rent should be a ground for ejectment of a protected tenant.
- xiii) Land of proprietors who keep it for two consecutive crops should be given to the

landless tillers.

(xiv) A landlord should be allowed to cultivate (without engaging agricultural labour) at least 65 kanals in kandi area in Jammu and proportionate area in Kashmir kandi.

(xv) The government should consider the fixation of certain criteria under which no family has more land for personal cultivation which is beyond its tilling capacity.

(xvi) Fixation of a uniform and equitable rate of rent for all holdings irrespective of their size.

xvii) Section 47 and 48 of the Tenancy Act be repealed and old section 47, 48 and 50 restored with necessary safeguards to eliminate possibility of collusion in obtaining spurious service of the tenants.

(xviii) Non-payment of rent should form a ground for ejectment of any class of tenants.

- (xix) Tenants of lands enumerated in Section 15- should be liable to ejectment on the issue of a notice of ejectment.
- (xx) Section 57-A be suitably amended so as to limit the limitation for such applications upto the last day of samvat year 2010.
- (xxi) Bedzars, Sofedzars and gardens containing trees in Ladakh district should be allowed to remain with the proprietors in addition to the prescribed limits.
- (xxii) Exclusion of Gump-a land, from the operation of the Big Landed Estates Abolition Act commended for favourable consideration.
- (xxiii) The Government should provide speedy facilities for rural credit.

However, no action was *taken by* the government to give these recommendations a practical shape.

Land Commission of 1963

An other Land Commission, under the chairmanship of the then Revenue Minister - Mr Oasim, ~~was~~^{had}, however, appointed been appointed in March 1963 to examine and report the gaps in the then existing laws. The Commission had submitted its report in 1968 and recommended that the system of landlord-tenant relationship in the State's Agrarian Economy should be replaced by the institution of peasant peasant

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despite the fact this measure was not an end in itself but means to totally reorientate agrarian relationship so that basis could be laid and provided to ensure building up of infrastructure for completely revitalising state agrarian economy.

Shortcoming in the implementation and need to pursue the path to achieve the infrastructure for the revitatising of agrarian economy led to the appointment of Wazir Committee in 1953. Although the Committee, after inquiry, offered a number of recommendations to overcome inconsistencies in the legislation, yet no action was taken to give these recommendations a practical shape.

Land Commission of 1963

Then in March 1963, another Land Commission (to examine the gaps in the then existing laws was appointed. The Commission, ^{submitted its report in 1968 and} however, recommended that the system of landlord tenant relationship in the State's Agrarian Economy should be replaced by the institution of peasant proprietorship of land. ^{but} ~~no~~ action had been taken on the report.

Landlord the chairman - ship of the then Revenue Minister - Mr. Datta,

Meanwhile the Jammu and Kashmir Commission of Inquiry, 1967 proposed that the state government should consider the recommendations of the Wazir Committee of 1953

as well as of Land Commission of 1963 and take appropriate steps wherever possible to remove the anomalies created by the land reforms of 1940s and 1950s.

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(As a result, the Jammu and Kashmir Agrarian Reforms Act of 1972 came into force on first May, 1973. With the formulation of this measure, the system of landlord - tenant relationship, wherever it existed, came to an end, in as much as the latter held in ownership within the prescribed ceiling of 12.5 standard acres. The main objective of this Act was to abolish the system of absentee landlord including the allied forms of intermediaries, to make the tiller the owner, to set a ceiling on land holdings.)

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But instead of introducing reforms in agrarian system of the state it had given rise to unnecessary litigation, created chaos and confusion and caused many hardships to both landlords as well as tenants.

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When Sheikh Abdullah came to power in 1975 as a result of Indira - Sheikh Accord, many representations and counter representations in favour and against the Act were submitted to the Government. The new government also found many lacunae, shortcomings and difficulties for the

The Jammu And Kashmir Agrarian Reforms Act of 1972

As a result ~~The~~ and ~~large~~, ~~formed the basis of~~ Jammu And Kashmir Agrarian Reforms Act of 1972 (Act No. XXVI of 1972). ~~The~~ Act was enacted to provide for comprehensive legislation relating to Land Reforms in the State and to bring about radical transformation in the then existing pattern of land ownership. ^{24/7/73} It came into force on first May, 1973. The main recommendations of the Act were:-

- (i) Vesting of ownership rights of land (excluding orchards) held by owners and intermediaries which were not in ~~their~~ personal cultivation to those who held such land in personal cultivation on 1.9.1971.
- (ii) Imposition of a ceiling (excluding orchards) of 100 standard kanals (12.5 standard acres) and vesting of all land in excess of this ceiling in the State.
- (iii) Compensation in lieu of all land vested in the State as a result of (i) and (ii) above, at rates specified by the government.
- (iv) Provision for resumption of land by any intermediary or absentee landlord on certain specified conditions.

(v) Full compensation for evacuee lands, and

(vi) Standard acre has been defined with reference to various kinds of soil in irrigated and unirrigated areas.^{25a}

With the formulation of this measure, the system of landlord tenant relationship, wherever it existed, came to an end, in as much as the latter held in ownership within the prescribed ceiling of $12\frac{1}{2}$ standard acres. The Act also curtailed considerably the exempted categories of land. Areas known as Kah-i-Krisham bedzars, and other fuel and fodder growing areas were removed from the category of exempted lands, and could now be held along with other types of land only upto the ceiling area of $12\frac{1}{2}$ standard acres. The 1972 Act also adversely affected the orchards. Orchards were put into two categories: (a) old orchards as were already existing in kharif 1971 and (b) new orchards. As for as new orchards were concerned; they were kept in the ceiling. The old orchards could be held in excess of the ceiling, but if a family could own an old orchard which was less than $12\frac{1}{2}$ standard acres, it could own only so much of

8. N.S. Gupta and Amarjit Singh, : Agricultural Development of States in India. Volume 1, Op.cit. P. 171-72.

other kind of land which along with the orchard added upto $12\frac{1}{2}$ acres, and if a family happened to have more than ceiling, it would have to pay a tax upto Rs.800 per standard acre, besides land revenue. This was indeed a revolutionary measure, ~~as per the time,~~ ^{thus} the government, endeavoured to curb the proprietors of big orchards.

Justice Mufti while commenting upon this Act, in a case Rashim V/s Amma Bar in 1975, held that:-

"The New Act is not well drafted and this appears to me to be one of the main reasons which has made the underlying scheme obscure and rendered it difficult for most of the people to comprehend its scope and content. I apprehend that the imperfection in drafting might even lead to avoidable unnecessary litigation. The government will be well advised to have the Act examined from drafting point of view and take steps to remove the drafting errors and imperfections, if any, detected as a result of such examination." ²⁶ 2

The objects of the Land Reforms contemplated by the New Act mainly appear to be (a) to abolish the system of absentee landlord including the allied forms of

9. Hakim Imtiyaz Hussain, : The Jammu and Kashmir Reforms Act 1976. Op.cit., P. 2.

intermediaries; (b) to make the tiller the owner; (c) to set a ceiling on land holdings. This Act instead of introducing reforms in agricultural estates gave rise to unnecessary litigation, created chaos and confusion and caused many hardships to both landlords as well as tenants and the main reason behind it was its bad drafting. Whatever be the intentions of the Bill, in practice some of its provisions were meaningless gestures.

The most trumpeted provision with regard to lowering the ceiling from 182 kanals to 100 kanals, lost all its significance when it was realised that not enough surplus land was likely to be available. As the intentions of the State in this regard were known for a long time, most of the land owners had distributed the surplus land among relations or fictitious persons.

If the ceiling law was intended to mean something, it should be applicable sufficiently retrospectively and not as late as September 1971, as provided in the bill. As long as the ownership unit was a person and not a family, ways would always be found to circumvent the ceiling. The basic unit of ownership should be a family comprising wife and children.

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~~operation of this Act. As a result, the operation of Act was suspended.~~

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A special Committee was then constituted to look into the matter and scrutinize the Act throughly to recast and reshape it. The Committee then drafted a Bill which was finally enacted as the Jammu and Kashmir Agrarian Reforms Act of 1976.

Agrarian Reforms Act 1976 Act No. XVII of 1976

In 1975 Sheikh Mohamad Abdullah came to power as a result of Indira - Sheikh Accord and his Government faced a unique problem. Many representations and counter representations were made by both landlords and tenants. New Government found many lacunae, shortcomings and difficulties for the operation of this Act. In order to remove these defects and to review it with a view to providing for more equitable distribution and better utilisation of land suited to the circumstances of the State so as to subserve the common good, the 1972 Act was kept in suspension from 25th March 1975 by the Jammu and Kashmir Agrarian Reforms (Suspension of operation Act, 1975 (Act III of 1975) and a special Committee was appointed to look into the matter and scrutinize the Act thoroughly to recast and reshape it. ²⁷

This Joint Select Committee of both Houses had been asked to submit its recommendations before the end of the session. The 15-member Committee, which was headed by the Revenue Minister Mirza Afzel Beg, including the leader of the Congress Party in the assembly, Mr. Girdari Lal Dogra, the Congress dissident leader, Mr. Tirlochan Dutt. The Legislative Council would nominate five members to the

Committee.²⁸¹² The Committee made some principal changes in the Bill which were reported back to the Legislative Assembly in July 1976.²⁹¹³ During the course of the debate in both ^{the} Houses of the Legislature, some more amendments were proposed to be made in the Bill. The Jammu and Kashmir Assembly unanimously passed the Agrarian Reform Bill, 1976 as reported by the Joint Select Committee with some further amendments.³⁰¹⁴

The main objective of the 1976 Act was (a) to transfer ownership rights in land to tiller thereof except in case of land belonging to gumpas of Ladakh district and places of worship, public trust or institution of a charitable nature; (b) fix ceiling on land at $12\frac{1}{2}$ standard acres, varying in terms of ordinary measures between 71 kanals and 182 kanals approximately depending on the class of soil, availability or otherwise of irrigation and the region in which the land is situated. (c) relate the ceiling area to a family consisting of husband, wife and their children excluding married daughter and the major son, who ~~is~~ ^{were} separated from his father on or before 1st September,

²⁸¹². Times of India, New Delhi, 4th March, 1976.

²⁹¹³. N.S. Gupta and Amarjit Singh, : Agricultural Development of States in India, Volume I, Op.cit., P.172.

³⁰¹⁴. Financial Express, New Delhi, July 29, 1976. P. 5.

1971; (d) ensure that with a few exceptions which are in general public interest ownership follows personal cultivation; (e) provide rehabilitation facilities for parties expropriated from land by permitting resumption in certain cases and requiring payment of levy in full lumpsum except in case of indigenous tillers; (f) provide surplus land to the landless and poor persons. ³¹ ~~45~~

Main features of the Agrarian Act:-

- (a) Abolish absentee landlordism.
- (b) Provide land to landless
- (c) Impose ceiling on agricultural land and orchards.
- (d) Make provisions for the selection of land, if the land exceeds ceiling area.
- (e) Make provisions for resumption.
- (f) Provide adequate compensation to the aggrieved parties.
- (g) Allow cultivation of land through servant or hired labourer in genuine cases.

31 ~~45~~. Hakim Imtiyaz Hussain, : Jammu and Kashmir Reform Act 1976, Op.Cit., P.5.

- (h) Recognize the private agreements between landlords and tenants with regard to the apportionment of land.
- (i) Prohibit the creation of new tenancy and extinguish the existing tenancy except in certain cases.
- (j) Protect the rights and interests of evacuee.
- (k) Protect the interests of mortgagor and mortgagee.
- (l) Prohibit alienation of land by way of sale, gift, mortgage with possession, bequest and exchange.
- (m) Make provisions for the attachment by the collector of the orchard or a plantation of trees on State land or land reserved for grazing purpose.
- (n) Create new administrative machinery for the implementation of the provisions of the Act. ^{32.16}

The Agrarian Reforms Act of 1976 was an important piece of Legislation so far as the Agrarian Reforms in the State were concerned. To start with, the new law puts a ceiling of 12.5 standard acres on agricultural lands in the state. It means no person would henceforth be entitled to hold more than 75 to 175 ordinary kanals depending upon the productivity of land. An increase of 10 to 20 percent had, however, been allowed in case of land under orchards but that was subject to the condition that in no such case should the ceiling area exceeds 200 ordinary kanals. With the implementation of the law 40,000 acres of land was likely to be surplus for allotment to landless and poor cultivators.

A distinctive feature of the law is that rights of all owners and intermediaries of land, not cultivating it personally in kharif 1971, were extinguished with effect from May, 1973. An ex-owner, who desires to cultivate land personally, had however, been given the right to resume part of such land subject to certain conditions which, among other things, include that he was not an income tax payer, and he should within six months of the enforcement of law take up his residence for purpose of personal cultivation in

17.33. Financial Express, New Delhi, August 20, 1976.

the village in which the land was situated or in the adjoining village. The ceiling of five acres for resumption would be relaxed to 6.5 acres in case of serving soldiers, widows, physically and mentally handicapped and minor orphans.^{34 18}

Another important feature of this Act was that it provides for an arrangement for the amicable adjustment of the mutual claims of the tillers and the petty land owners. It was outside the jurisdiction of civil courts. The appearance of the legal practitioners had been limited and the appeals have been reduced to only one. The purpose of this provision was to spare the poor tillers of the considerable expenses, harassment and delay involved in protracted litigation.^{35 19} The new Act provided for payment of reasonable amount for relinquishing of rights. The rate thus computed would be much less than the market rates. Where ex-owner did not resume any land, he should be paid an amount for the entire land in which his rights had been taken away and the tiller of such land should ^{have} to pay levy before acquiring ownership rights. The amount payable should be

34 18. Times of India, New Delhi, July 24, 1976.

35 19. Financial Express, New Delhi, July 29, 1976, P. 5.

proportional to the quantum of net rent in kind which was recoverable by such landlords in Kharif 1971.

Evacuees' land had been kept outside the purview of the law but such land held in allotment by any family should be taken into consideration in determining the ceiling entitlement of that family. Moreover the displaced persons allotted evacuee's land had been given the right to resume such land in the circumstances and subject to the conditions applicable to ex-owner, ex-intermediaries but no ownership right can vest in any person. No family can in future acquire land by inheritance or transfer or by any means whatsoever if, as a result of such acquisition, the aggregate land for such a family exceeds the ceiling area of 12.5 standard acres.³⁶ 20

The old law made no provisions for land under mortgage without possession. The result was that if such land were to become surplus, the allottee thereof would hold it subject to such mortgage and thus he had to pay levy besides paying off the mortgage. The new law provided for transfer of surplus land to its allottee free from all encumbrances. They will be borne by the ex-owner by parting with a part of his rights in such land.

The old law also provided that an ex-owner of land who had mortgaged it with possession would lose all right in such land and that these rights would be transferred to the mortgagee holding the land in his personal cultivation. The present Act provides for return of such land to the mortgagers on terms which ³⁷ ~~were~~ quite within their means. ²¹

The 1976 Act ~~which was an important piece of~~ ^{to} ~~Legislation so far as the Agrarian Reforms in the State were~~ ~~concerned~~ had come into force from 12th July, 1978. As a result of implementation of this law, about 4000 acres of land ~~was~~ expected to become surplus for allotment to landless and poor persons and tillers of about five lakh acres of land ³⁸ ~~should~~ acquire ownership rights therein. ²²

~~It is desirable to make a critical appraisal of the possible consequence of the present Land Reforms Act. There was a large number of petty landholders in the rural areas who had leased it out because self-cultivation would not assure them a return just enough to maintain their families. They had, therefore, out of compulsion and sheer necessity, chosen to seek petty jobs in the urban areas to supplement~~

37-21. Ibid

38-22. N.S. Gupta and Amarjit Singh, : Agricultural Development of States in India Volume Ist, Jammu and Kashmir, Op.cit., P. 173.

This Act could not, however, be implemented due to some technical difficulties. Accordingly when Sheikh Abdullah again came to power in July, 1977 Assembly election, he picked up the threads once again by proposing some amendments in the Act of 1976. Finally, the Jammu and Kashmir Agrarian Reforms (Amendment) Act of 1978 was passed on 8th April, 1978 which came into force on July 13, 1978. The most striking provisions of the Act are that landlordism had been completely abolished and land has been given to the tillers who actually cultivate it. Orchards have been again excluded from the application of ceiling i.e. 12.5 standard acres. Another outstanding feature of the Act is that unlike the Big Landed Estates Abolition Act of 1950, it does provide for the payment of reasonable amount of compensation to those whose rights got extinguished.

The Jammu And Kashmir Agrarian Reform (Amendment) Act, 1978

However, the Jammu And Kashmir Agrarian Reform Act of 1976 could not be implemented due to some technical

difficulties. Accordingly, when Sheikh Mohammad Abdullah again came to power in July 1977, he picked up the threads again by proposing some amendments in this Act. Finally, the Jammu and Kashmir Agrarian Reforms (Amendment) Act was passed on 8th April, 1978³⁹ and came into force on 13th July, 1978.⁴⁰ The main amendments of the amended Act were as under:-

(i) The orchards, as defined by Section 2 (10) of the principal Act, have been exempted from the operation of the Act.

(ii) The displaced persons cultivating evacuee's land personally should be deemed to be occupancy tenants and recorded as such. They should be liable to pay rent equal to the amount of land revenue and cesses assessed thereon.

(iii) No person, who or any member of whose family, holds an orchard exceeding one hundred kanals can resume land for his personal cultivation save as provided in Clause (a) of Sub Section

39 23.

Hakim Imtiyaz Hussain, : The Jammu and Kashmir Agrarian Reform Act, 1976, Op.cit., P. 79

40 24.

Meenakshi Moza, : Prospective of Land Reforms in Jammu and Kashmir, Op.cit., P. 69.

(2) of Section (4) of the Act, aggregate land held in ownership or as tenant or otherwise by, or vested under this Act an individual or all members of a family should be no case exceed the ceiling area.

- (iv) An ex-serviceman of the defence force or a person serving in defence force could now hold one additional standard acre over and above the ceiling fixed in Sub Section of Section ^{41/25} 725

It is often argued that these reforms have proved the most important single factor which engineered basic changes in the rural sector of the state economy. But in actual practice the hopes that the amended Act would bring to an end the old age system of an intermediary between the tiller of the soil and the state itself; enable him to acquire proprietorship over the land which he tills with the sweat of his brow, absentee landlordism stands abolished, adjust claims amicably between the tillers and the petty land-owners and allow self-cultivation have not been fully

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achieved.²⁶ The progress of the implementation of the Act is slow and tedious. Moreover, under the provision of the law, no tiller can become an absolute owner until he had completed the payment of levy. Since the tiller as a class^{was} unable to pay the levy in a short time, the aim of making the tillers the actual owner had not been

achieved. It is further pointed out that, whereas under the Agrarian Reform Act of 1976, the actual number of beneficiaries of proprietary rights had been estimated to be in order of 7 lakh tillers, but in actual practice absolute proprietary rights had been given to 98,615 tillers only till 1984.^{43,27}

In a number of cases illegal occupants have managed to secure proprietary rights on such land of those occupants, whose claims should have received the first consideration. Moreover, orchards have been again excluded from the application of ceiling i.e. 12.5 standard acres. Unlike the Big Landed Estates Abolition Act of 1950, this Act does provide for the payment of reasonable amount of compensation to those whose rights got extinguished.

42 26.

Towards a Bright Future, A Phamplet issued by Director of Information, Jammu and Kashmir Government Press, Srinagar, 1984, P. 6.

43 27.

Ibid., P. 7.

While summing up it may be pointed out that although the land reforms in the State aimed at liberating the peasantry from the fetters of complete economic dependence on the feudal landlords, yet in practice these acts could not fulfil their intended objectives. In other words, the impact of land reforms has fallen short of expectations. The legislation enacted in 1950s may be regarded, to a large extent radical and revolutionary in comparison to the reforms introduced in 1970s. Moreover, the new reform Act of 1978 (which is still in operation) is in no way improvement upon the earlier legislations. In fact some of its provisions are more retrograde than even the Act of 1972. Moreover, it is an ambiguous and vague Act offering a number of concessions to the vested interests who have grown after 1947. The National Conference leadership, like any petty bourgeois leadership also cannot harm its own interests and that of the interests of its supporters. The implementation of land reforms was also faulty and ineffective due to the fact that the same old bureaucracy was incharge of their implementation. Moreover there were number of loopholes and flaws in the legislation themselves passed from time to time. Thus, the defective legislations and their ineffective implementation have to the frustration and disappointment of the small holders, share-croppers, and landless people on one hand, and on the other enabled the

well to do section of land holders to evade law. One may, therefore, conclude that the Land Reforms in Jammu and Kashmir even in post independence era have benefit-ed only a section of peasantry and have enriched only their interests. Although, these measures have done away with the feudal set up by undermining the position of all big landlords, yet these have not been able to transform the poor and downtrodden sections of the people and bring about a radical recasting in their social conditions. These have distinctively benefit-ed those individuals who at the village level were important people and have, therefore, helped in the transformation of economic power from one class to another. As a result, the land has mostly gone into the hand of rich peasan^t class under various pre^{text}. The benefits of land reforms have not percolated to the cultivating population at the lowest level to the extent it was expected.

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Members
 2. The Hon'ble Maulana Mohd Sayeed.
 3. The Hon'ble Pt. Janki Nath Kakroo
 4. The Honible Mir Qasim.
 5. The Hon'ble Kh. Gulam Ahmed Mir
 6. The Hon'ble Mazir Ram Saran Dass.

7. The Hon'ble Thakur Sagra Singh.
8. The Hon'ble Mahasha Nahar Singh.
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10. The Hon'ble S. Chela Singh.
11. The Hon'ble Krishan Deo Sethi.
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19. The Jammu and Kashmir Government Cabinet Order NO: 23-C dated 2.2.1953.
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1. Justice Janki Nath Wazir, Chief Justice- Ch airman
2. Thakur Harnam Singh Pathnia, Chief Consevator of Forest... Member.
3. Kh. Ali Shah, Revenue Commissioner- Member.
4. Pirzada Ghulam Ahmad- Accoutant General-Member, and
5. Pandit Radha Krishna Koul, sub- Judge- Secretary.
21. The Time Limit was subsequently extended by another Two Months.
22. Ibid., pp. 33-35.

Note: The recommendations of the Committee pertaining to the working of the system of price and other controls the then prevalent in the state; progress of rehabilitation of the displaced persons and ways and means to be adopted for the rehabilitation of ex-servicemen have nothing to do with the land reforms, hence these are not discussed.

23. For details of inconsistonicies, anamolies and inequilities see Appendix. IV. *Gupta, Rakesh Kumar: Politics of Land Reforms in J&K university of Jammu 1990 p-131*
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43. Ibid p-7.

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(14)
SHEIKH ABDULAH'S HISTORIC ADDRESS TO THE
CONSEMBLY OF KASHMIR
— x —

The establishment of Jammu and Kashmir Constituent Assembly in September 1951¹¹⁵ was an event of great significance in the political history of the State. Its birth marked an important stage in the struggle for the establishment of democracy in the State. Usually the framers of the Constitution generally state their objectives in the beginning and then try to incorporate those objectives into the provisions of the Constitution. The

115. (i) *Kashmir in India*, the author, publisher and year unknown but printed at the Caxton Press, New Delhi, p. 2.
- (ii) *Kashmir—At A Glance*, op. cit., 4.
- (iii) Dr. Balbir Singh in his thesis *The Working of Jammu and Kashmir Legislative Assembly (1967-1972)* submitted to the University of Jammu for Ph.D. Degree in May 1973 (unpublished) on page 19 mentioned that the Constituent Assembly was elected in 1952. The statement is incorrect as the 1st Session of the Assembly was held on 31st October, 1951.
- (iv) *A brief review of progress in Jammu & Kashmir*, published by Deptt. of Information, J&K Govt., Srinagar, year unknown, p. 2 also mentioned that C.A. of the State came into existence on 31st Oct., 1952 which is incorrect.
- (v) *India and Kashmir—Constitutional Aspect*, op. cit., p. 5. It was mentioned that there was a good deal of correspondence between the State Govt. and the Govt. of India on the question of scope of the Constituent Assembly and eventually Mr. Rajgopala Acharya, Moulana Abul Kalam Azad, Mr. Gopalaswami Ayyangar on behalf of the Govt. of India assured the Prime Minister of Kashmir that there was no disagreement with the view expressed by the State Govt. (in a letter of Prime Minister of State to Gopalaswami Ayyangar dt. 16th January, 1951) and that of Govt. of India in regard to the subjects which would come up for discussion and decision before the Constituent Assembly. The same view had been expressed by the Prime Minister of India in his letter dt. 9th February, 1951 which he addressed to the Prime Minister of Kashmir from London. He pointed out "I have no doubt that the will of Kashmiri people must prevail in regard to every matter and it is they who will decide ultimately every question affecting the State."

Declaration of the American Independence (1776)¹¹⁶ laid down the twin ideals of equality of men and of securing to them certain inalienable rights i.e. the rights to "life, liberty and the pursuit of happiness." The French Declaration of the Rights of Man and Citizens 1789¹¹⁷ spoke of the equality of men and guaranteed to them the rights of "Liberty, Property, Security and Resistance to Oppression." New Kashmir¹¹⁸—the Socio-political plan for rebuilding of the State and Magna Carta of National Conference spoke of the union of different regions of the State based upon fullest equality and self-determination, to raise the people from the abyss of oppression and poverty, degradation and ignorance into a sun-lit valley of plenty ruled by freedom, science and honest toil.¹¹⁹

The proclamation¹²⁰ of His Highness Maharaja of Kashmir dated 5th March, 1948 spoke of the establishment of a fully Democratic Constitution based on adult Franchise with a hereditary ruler as a Constitutional head, adequate safeguards to the minorities and guaranteeing freedom of conscience, freedom of speech and freedom of assembly.

116. Robert G. Dixon and Elmer Plischke, *American Government Basic Documents and Materials*, D. Van Nostrand Company Inc., Princeton, New Jersey, February 1952, p. 6.

117. "Documents of Major Foreign Powers" edited by Louise W. Holborn, John H. Herzy and Gwendolen M. Carter, p. 90, Harcourt, Brace and World, Inc. New York/Chicago/San Francisco/Atlanta, 1968.

118. While addressing the National Conference Convention held in 1948, Sheikh Mohd. Abdullah said "New Kashmir undoubtedly transcends all barriers of race, religion, colour and economic inequality. It aims at the total extermination of social parasitism and liquidation of exploiters. A dynamic programme like this even which as its immediate objective has the emancipation of common man from the shackles that bind him today cannot surely live in an atmosphere of hate and the narrow limits of reactionary feudalism". (Jammu and Kashmir National Conference 21st Annual Session—Political Resolutions published by Abdul Rashid, General Secretary, All Jammu and Kashmir National Conference (Camp), Jammu, year unknown, p. 3).

119. *New Kashmir*, op. cit., p. 12.

120. Proclamation Shriman Inder Mohinder Raj Rajeshwar Maharaja Adhiraj Shri Hari Singh the ruler of Jammu & Kashmir and dependencies, Jammu, March 5, 1948.

Like Pt. Jawahar Lal Nehru, who moved the objectives Resolution¹²¹ containing broad objectives of the Constitution in the Constituent Assembly of India, Sheikh Mohd. Abdullah, the then leader of the House also presented the broad objectives in his historic address to the Constituent Assembly on 5th November, 1951.¹²²

The Sheikh's inaugural address to the Jammu and Kashmir Constituent Assembly seems to have a three-fold significance. In the first place, the address is that of a leader who has been the Chief architect of the freedom struggle in the State as a

121. Tewari, Umakant in his book *The Making of Indian Constitution*, op. cit., p. 70, mentioned that the Congress Working Committee appointed the Expert Committee in July 1946 under the Chairmanship of Pt. J.L. Nehru to lay down, among other things, the objectives of the forthcoming Constitution, but no such Committee was formed to formulate the objectives of forthcoming Constitution of The Jammu Kashmir State.

122. (i) C.A. Deb., Vol. I, No. 3 dated 5th Nov., 1951, p. 1.

(ii) Sheikh Mohd. Abdullah in his *policy statement* pointed out that Consembly had been the repository of its Sovereign authority. While referring to its members he said, "you are the sovereign authority in this State of Jammu & Kashmir. In support he quoted Art. 3 of the French Constitution—

'the source of all sovereignty resides fundamentally in the nation. . . Sovereignty is one and indivisible, inalienable and imprescriptible. It belongs to the nation.'

He concluded with the words 'we should be clear about the responsibilities that this power invests us with. . . .'

N. Chanda in an article "*Kashmir True Constitutional Eyes*" published in *Organiser*, 2-6-1952 took a strong exception to the sovereign character of Kashmir Consembly and pointed out that "...other Princely States also thus acceded with larger powers than those of the provinces, but later they agreed to be put on par with them except in the minor matter of retaining princes as constitutional heads in place of provincial governors. But the decision about desirable alignment of Kashmir with the provinces was left by Art. 370(2) of the Indian Constitution to the proposed C.A. of Kashmir, the intention being to have it done by popular consent. The Kashmir C.A. thus is not a sovereign body, for Art. 370 gives it power to transfer more subjects to the Centre, but not to curtail the three ceded subjects or to decide in favour of secession or altering the basic structure of a princely State".

part of the larger National movement which ended the British Rule in Indian sub-continent. He has also played a leading role in the political drama of the State for about the past half-century, occupying the centre of the stage of the Kashmir political scene most of this time, and indirectly influencing it considerably when circumstances did not occasionally allow his direct presence on the stage.

Secondly, it spells out and highlights the principal Institutions and other empirical formulations which were sought to be enshrined in the State's Constitution and comprise the new Constitutional set-up in Jammu and Kashmir.

Lastly, it is possible to discern in the address, a reflection of some sort of a political philosophy, an ideology or rather a mixture of ideologies and to abstract the same from the matrix of the empirical issues and a cluster of Institutions analysed and discussed therein.

In the very nature of the things, the issues and their formulations in the address, are intermingled with the abstract thought behind them. It therefore, seems proper to briefly touch the main issues and follow them up with the political philosophy which prevailed in the Consenbly and was finally projected in its handiwork, the Constitution.

Among the main issues, were the future of the ruling dynasty, the accession of the State to the Indian Union, the question of compensation to the expropriated land-owners, the degree of cultural autonomy to the various territorial units of the State, fundamental rights, independence of Judiciary and the rule of Law together with the values contained in the concept of socio-economic justice.

As to the ruling dynasty, the Institution of monarchy was pronounced to be incompatible with the spirit and need of modern times and it was desired that the Constitutional head of the State should be chosen by the State Assembly to perform certain functions which may be entrusted to him under the Constitution.¹²³

In respect of the State's accession, the address examines the pros and cons of three options open to the Assembly,

123. *C.A. Deb.*, Vol. I, No. 3 dated 5th Nov., 1951, pp. 6-12.

namely, accession to India, accession to Pakistan and an independent status, making the State as a kind of Switzerland of the East. In favour of the accession to India, the address referred among other things, to community of ideals between the state and rest of India, the support that State's freedom movement received from the Indian National Congress, democratic values of Indian Constitution such as rule of law, the secular approach to social and public life, the commitment to land reforms and other aspects of socio-economic justice.¹²⁴

Explaining the case of accession to Pakistan, the address notes the feudal structure and the communal outlook which had coloured the political life in Pakistan. It marks the inadequacy and outdated nature of religion forming the basis of a modern State, and pointed out irrelevance of religion to present day alliances.¹²⁵

Regarding an independent status for Kashmir, the lack of goodwill for it on the part of its neighbours and some other factors made its viability out of question.¹²⁶

The Assembly was called upon to take a decision on the issue of compensation to the land-owners who had lost part of their land on account of land-reforms which had been carried out by the new regime.

The manifesto of the National Conference drawn way back in 1944 and entitled 'New Kashmir' contains, among other things the principle "land to the tillers".¹²⁷ The address also stressed the desirability of adopting rule of law, independence of judiciary, fundamental rights such as right to equality, freedom of expression and the values pertaining to the socio-economic justice.

A perusal of the address indicates that the Sheikh (and his party) was considerably influenced by the liberal, democratic traditions of the west, which, incidentally, had also influenced the making of the Indian Constitution. The party also subscribed to certain socialistic values and concepts such as that of

124. *Ibid.*, pp. 22-24.

125. *Ibid.*, pp. 24-26.

126. *Ibid.*, p. 26.

127. *Ibid.*, pp. 12-15.

socio-economic justice. The "land to the tiller" without compensation to the land-owners for the land of which they were expropriated is, in fact, reminiscent of a Marxist norm. It seems that the two main streams of the western liberal political traditions and the socialism slightly coloured by the Marxist traditions, both clamour for attention on the part of the party, its leaders and the Assembly. The result was a kind of a 'mix' of the two traditions, two different ways of life, a kind of amalgam of the values belonging to each tradition.

And, so, as the two philosophies or ideologies vied with each other to capture the leaders' mind, the State Constituent Assembly was finally asked to incorporate democratic socialism, somewhat in the way as the Indian Constituent Assembly had done with reference to the Constitution hammered into shape by it. The State Assembly's final option in favour of no compensation to the land-owners in the larger context of the "land to the tillers", was a sort of a pinch of salt or spice thrown into the cauldron of the new polity, in which what was mainly cooking up was a sort of democratic socialism. To reiterate, the philosophy which largely animated the framing of the Constitution in Jammu and Kashmir State was that of democratic socialism.

The functions which the Constituent Assembly had been called upon to perform were :

- (i) To decide constitution for the future governance of the country;¹²⁸
- (ii) To decide the future of the ruling dynasty;¹²⁹
- (iii) To decide whether or not compensation should be paid to the landlord;¹³⁰
- (iv) To declare its conclusion regarding accession.¹³¹

So far as the future Constitution of the State was concerned, Sheikh Abdullah stressed that it should be based on the

128. *C.A. Deb.*, Vol. I, No. 3 dated 5th Nov., 1951, p. 3.

129. *Ibid.*, p. 4.

130. *Ibid.*, p. 4.

131. *Ibid.*, p. 4.

principles of equality, liberty and social justice, which were the integral features of all progressive constitutions of the world. The rule of law, equality before law and the independence of judiciary should be the corner-stones of the political structure. He further added that the freedom of individual in the matter of speech, movement, association, press and opinion as well as rapid economic development and more equitable distribution of national wealth as given in 'New Kashmir' should be guaranteed. He pleaded that full consideration should be given to the existence of various sub-national groups in the State as well as basic unity of the State. The future constitution, according to him, must afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics, without detriment to the integral unity of the state or the requirements of our social and economic policies.¹³²

While referring to the future of the Ruling Dynasty, Sheikh Abdullah traced out briefly the events which led to the conclusion of the Treaty of Amritsar 1846 and the transfer of the people and the territory for 75 lakhs of rupees to Maharaja Gulab Singh. He also referred to the suppression coming in the wake of the Dogra rule afterwards. With the withdrawal of the paramount power, he pointed out, the rights of the Indian Princes had ceased and sovereignty had reverted to the people. He stressed that National Conference was convinced that the institution of monarchy was incompatible with the spirit and need of modern times and a constitutional head of the state would have to be chosen to exercise the functions the assembly might choose to entrust to him.¹³³

In order to decide whether or not compensation should be paid to the expropriated landlords, Sheikh Abdullah traced out briefly the history of landlordism in Kashmir from Great Moghuls down to the Dogra dynasty. He referred to the "land to the tiller" policy of the National Conference as envisaged in the 'New Kashmir'.¹³⁴

132. *Ibid.*, pp. 3-6.

133. *Ibid.*, pp. 6-12.

134. *Ibid.*, pp. 12-15.

As regards the State's accession Sheikh Abdullah referred to the three possible alternatives with their pros and cons.

These were as under :

- (a) Accession with the Union of India;
- (b) Accession with Pakistan; and
- (c) Making Kashmir an Eastern Switzerland i.e. Independent Kashmir.

While explaining the merits of the state's accession with India he mentioned the kinship of ideals between the two States; the support of the Indian National Congress to the cause of State's people's freedom; the steps towards democratisation, social reconstruction; justice, freedom, equality for all; guarantee of equality of rights to all citizens (irrespective of their religion, colour, caste and class) and secularism—as the main basis of the Indian Constitution. He pleaded that these features of Indian polity would conduce to the security of the Kashmiri Muslims in India. He pointed out that even the economic interests of the people demanded the accession of the state with India—as land reforms could only be possible in India and not in landlord-ridden Pakistan with so many feudal privileges intact. More industrialised than feudal Pakistan, according to him, India could help the state to exploit the mineral resources and the raw material in which Kashmir was very rich. The essential commodities could be got in large quantities from India. He further added that as their economic welfare was bound with their arts and crafts, the traditional markets for these precious goods were located in India.¹³⁵

While referring to the second alternative and argument that as Pakistan was a Muslim state and Kashmir being Muslim majority state, must accede to Pakistan, Sheikh Abdullah pointed out that Pakistan's claims as a Muslim state were only a camouflage, a smoke screen to dupe the common man and an appeal to the religious sentiment. According to him Pakistan was not an organic unity of all muslims in this subcontinent

135. *Ibid.*, pp. 22-24.

and was a feudal state where majority of the population was still helpless under the heels of their rulers and were not guaranteed even the fundamental rights through a democratic constitution. He pointed out the fact that, in Pakistan, the right of self-determination was then being denied and those who had fought against imperialism were suppressed. He further stressed that religious affinities did not and should not alone normally determine the political alliances of the states and that is why there was no Christian block, Buddhist block or even Muslim block in modern international politics. Reiterating the economic interests and community of political ideals between the state and the Union of India, Sheikh Abdullah said that these days economic interests and community of ideals more appropriately influenced the policies of the states.¹³⁶

While referring to the third alternative i.e. the independence of the state, he pointed out the practical difficulties involved therein. Firstly it was not easy to protect sovereignty, and independence in a small country which had not sufficient strength to defend itself and its long and difficult frontiers bordering with so many countries. Secondly under the circumstances it was a must for the people of the state to be assured of the goodwill of all their neighbours. Addressing the Consenbly, he reminded the members of the fact that despite the existence of a standstill agreement between independent state of J&K and Pakistan during the period August 15 to October 22, 1947, the state had been invaded by Pakistan and "where was the guarantee that in future it might not be the victim of a similar aggression?"¹³⁷

Sheikh Mohd. Abdullah concluded his historic statement with the stress that the House must consider the question of accession with open mind, and not let their personal prejudices stand in the way of a balanced judgement. He stressed upon the Assembly¹³⁸ to weigh all these in the scales of their national good and to pronounce where the true well-being of the country lay in future.¹³⁸ So far as constitution-making function

136. *Ibid.*, pp. 24-26.

137. *Ibid.*, p. 26.

138. *Ibid.*, p. 26.

of the C.A. was concerned, Sheikh Abdullah's policy statement on Monday i.e. 5th November, 1951 clearly indicated what the constitution would not include. The issues of accession, the ruling dynasty's future and compensation for dispossessed landlords would be settled through the resolutions.¹³⁹

3.4 The Controversy Over the Fairness of Elections

The National Conference captured all the 75 seats of the Consenbly because of its policy, programme and leadership. Its leaders not only outrightly rejected all the allegations levelled against it but also brought forth counter charges. So far as first allegation (i.e. not holding elections in the province of Kashmir and Jammu simultaneously) was concerned, their answer was that dates for the elections were decided strictly according to the climatic conditions¹⁴⁰ prevailing in different parts of the State. Since the State stretched from the snow-covered frontier areas, and the mountain valley of Kashmir, right down to the hot plains of Jammu, it was obvious that one election day would have been totally unsuitable for all the three regions. Even in India different election days were fixed¹⁴¹ for the very same reason. While answering the second allegation (irregular Delimitation) the National Conference leaders pleaded that Government had sanctioned delimitation of Constituencies on the recommendations of Delimitation Committee comprised of four senior and experienced Deputy Commissioners, two from each province, presided over by a Judge of High Court.¹⁴² In answer to the allegation No. 4 (out of the way polling stations) they pointed out that the polling stations were fixed not only by the Returning Officers and the Election Commissioner, but after round table consultations with the people of all parties in the area concerned.¹⁴³ The fifth allegation

139. *The Statesman*, 8-11-1951.

140. *Elections to Jammu and Kashmir Constituent Assembly*, op. cit., p. 7.

141. *Ibid.*, p. 7.

142. *Ibid.*, p. 7.

143. *Ibid.*, p. 7.

2. POLITICAL MOVEMENTS IN JAMMU AND KASHMIR:
APPRAISAL OF PRAJA PARSHAD MOVEMENT
OF 1952

The serious economic depression and tensions and turmoil in socio-political-economic scenario of the world in general and in third world in particular in mid 20th century gave rise to the frustrations, deprivation, dissatisfaction, disappointment and alienation among their masses. All this resulted not only in the rise of state of ~~state~~ ^{law} lessness ~~particel~~ particularly among their younger generations, emergence of aggressive and agitated groups who believed in violence and violent radical movements, but also in the disturbance of peace and normalcy. The political movements, which mean an organised attempt on the part of a section of a society to bring about either partial or total change in it through collective mobilization based on ideology, have, thus, become central concern of almost all contemporary ^{political} scientists and statesmen. The same is also true in case of India as well as in Jammu and Kashmir State, which is one of the federating units of Indian federal polity.

^{on micro level,}
~~However,~~ the establishment of a popular government in Jammu and Kashmir ~~X~~ way back in 1947 ^{ushered} ~~eastored~~ a new era of hopes for peace and prosperity among the masses of all the three regions of the state. But the subsequent ~~economic~~ ^{administrative,} political-constitutional and economic developments in the state had created various doubts - real or imaginary - in the minds of the people particularly of Jammu and ~~Ladakh~~ regions about the bonafide of the Kashmiri leadership. They started raising ⁱⁿ ~~figures~~ ^{questions} even against the most desirable progressive politico-economic reforms made by the popular government viz/ ^{grant of} fixity of tenure to the

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① tenants tenants in respect of tenancy holdings; fixation of the maximum ^{rent} rental payable by the tenants to his landlord; providing for summary reinstatement of the tenant, who had been ~~wrongfully~~ wrongfully ejected; restitution of mortgaged properties; relief to the distressed debtors; ② the Big Landed Estates Abolition Act of 1950, ~~taking~~ off etc. etc. The first outburst of such political movements against the popular government in the State since independence was witness^d in 1952 i.e. the paraja parishad movement.

However, the

PRAJA PARISHAD AGITATION OF 1952
ITS CAUSES AND INTER-CONNECTION
BETWEEN INDIAN FEDERATION PROCESS
AND INTER-REGIONAL RELATIONS

Dr. Vidya Bhushan *

The all Jammu and Kashmir Praja Parishad, being essentially a reaction to the aggressive trends in the local nationalism of Kashmir, a protest of a region which felt politically ignored and condemned,¹ result of regional nationalism, a regional and a largely Hindu dominated party was found² in 1947. Hindu Dogras had a sense of insecurity as a minority community in the State. Representing their apprehensions, Praja Parishad sought security in the retention of the Institution of the Maharaja as a Constitutional head of the state. For the same reason they favoured closer ties between the State and Indian Union and abrogation of Article 370 which conferred a Special Status on the state. It rejected, outrightly a separate Consimply,³ separate emblem and separate flag for the state and the Institution of Sadar-i-Rayasat and demanded the application of Indian Constitution in its entirety,⁴ like Jana Sangh, its policy too was influenced by the ideology of AKHAND BHART and regarded the accession of the State to the Union as final, complete, legally valid and beyond question.⁵ The Party believed in the concept of India as a strong Unitary State.⁶

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The Party which had previously criticised the convening of Consenbly to draft separate constitution for the state decided to contest the elections and demanded representation in Delimitation Committee.⁷ Soon after the party leadership charged the National Conference and its Government of commission of malafide tactics,⁸ number of irregularities⁹ and dubious methods¹⁰ in Jammu Elections and gave an ultimatum¹¹ and ultimately bycotted the elections under protest.¹² This gave rise to the Prashid war cry:

Ek Desh do Vidha -In one country two Constitutions
Ek Desh men do Nishan -In one country two Flags;
Ek Desh men do Pradhan-In one countrytwo Prime Ministers;
Nahin Chalengay! Nahin Chalengay - Will not be tolerated;¹³

A minor incident over the protest of a few students against hoisting a National Conference Flag in G.G.M. College on 15th January 1962¹⁴ touched off the conflagration. The incident led to penalisation of the students¹⁵ Students hunger strike.¹⁶ Violence,¹⁷ Police lathi charge, firing,¹⁸ paralyzation partial paralisation of administrative machinery in Jammu city, intervention of the Military and imposition of 72 hours curfew.¹⁹ Under its cover, the entire leadership of Praja Parishad was arrested as the Government charged that the demonstration was organised and inspired by the Praja Parishad.²⁰ There was a sharp reaction in the State as well as rest of India.²¹ On the intervention of Mr. N.G. Ayyangar, the then Minister of State

of India, who visited Jammu in April 1952 to study the situation and cool passions,²² they were released. But it left trail of bitterness.

Meanwhile Mirza Mohd. Afzal Beg the then Chairman of the Basic Principles Committee pointed out in the Constituent Assembly on March 24, 1952 that the State of Jammu and Kashmir would be "an autonomous Republic within the Indian Union, with a separate President, National Assembly, Judiciary, Regional Autonomy and separate citizenship."²³ Beg's statement was deeply resented not only in Jammu but also in Ladakh and rest of India and created serious apprehensions about the credibility of the leaders of Kashmir.

Regional discontent was also growing in Ladakh. In a memorandum submitted to the State Prime Minister Sheikh Mohd. Abdullah, Kaushak Bakula, Head Lama of Ladakh and member of the Constituent Assembly, demanded for a statutory provision in the future constitution of Jammu and Kashmir under which state's North-Eastern Frontier Province of Ladakh covering Slnkiang and Western Tibet, would become a federation unit of Kashmir as long as the accession of the state to India endures. He urged that a separate Legislative Assembly of 15 members, with an Executive Council responsible for it, should be set up for Ladakh to run the internal administration of the area. He pointed out that under that proposal Ladakh would largely bear the same relation to the J&K state

as the later did to India. Asserting that under the circumstances Ladakh would have little or no voice in the State's 75 member Constituent Assembly where it was, in point of race, language and culture a perfect stranger to the rest of the members. He claimed that his plan was the best guarantee of the stability of the connections, of Ladakh with Kashmir. In case his plan was not deemed feasible, he added, then a committee of 10 members elected on the joint electorate basis be set up for Ladakh and no measure affecting the economic, political and religious life of the province be passed by the State Constituent Assembly or the J&K Government without its approval; all proposals emanating from the Statutory Advisory Committee be treated as the "Voice of Ladakh".²⁴

Kushak Bukola had a talk with N.G. Ayyengar and repeated the demand that Ladakh be granted internal autonomy. Kashmiri leaders did not take kindly to these regional protests and were particularly provoked by the merger movement of Praja Parishad. Strongly reacting to the Praja Parishad movement Sheikh Mohd. Abdullah, in a sensational speech at R.S. Pura on the 10th April 1952, said that Kashmir's accession to India would be of restrictive nature and those who wanted Kashmir to lose its separate identity were talking without any conception of political realities that faced them.²⁵ In another speech at Hazratbal on 18th April, 1952, he said that Kashmir is in no way prepared to renounce

their cherished ideology in furtherance of which they had offered blood and sweat during the two decades, Kashmir had acceded to India in respect of only three subject - Defence, External Affairs and Communication and had the right to shape their destiny according to the wishes of the people.²⁶ In another speech at Hazaratbal on 25th April, 1953 he said that the whole world was aware of their policy that the Consenbly would decide three important issues: framing of the Constitution, the future of the ruling dynasty and the accession of the State.²⁷ These speeches faused an uproar in Jammu particularly and the Indian Press²⁸ and public opinion²⁹ was also agitated.

8. The progressive reforms then launched by the Sheikh Abdullahs' Government such as Grant of Fixity of Tensure to the tenants in respect of Tenancy holdings; Fixation of the maximum rental payable by the tenant, to the land works; provision for summary reinstatement of the tenants, who had been wrongfully ejected; Restitution of mortgaged properties; Relief to the Distressed debtors; Abolition of Jagirs, Mufais and Mukararies, The Big Landed Estate Abolition Act of 1950 etc. said to have been done with Communal spirit.

9. It ^{was} ~~is~~ alledged that the people of Jammu had been ^{denied} ~~devised~~ their due share in the power structure as well as in the economic reforms.

10. The people of Jammu did not relish the transfer of political power from Jammu based Dogra House to the Valley based National Conference, headed by Sheikh Abdullah and his majority of ^ecompulsionists through democratically constituted government. They saw in the new shift a reversed regional power imbalance which generated in them psychological vacuum to be filled only when Sheikh Mohd. Abdullah would be removed.

11. As democracy means, the majority rule and the majority rule in the state meant the rule by Muslim majority population, the Hindus in Jammu called it as Muslim dominance and Muslim tyranny in Kashmir.

12. Lack of mutual adjustment of Hindus chauvinism and Muslim sentiments led to the rise of regional irritations and tensions and the secessionism in the valley and, thus, formed a process of commulative chain of

13. The declaration of July 13, as the official "Martyrs' Day" ^{was} ~~allover~~ the state [^] much against the wishes of the people of Hindu belt of Jammu. They believed that July 1931 movement was a Muslim movement and, thus, a communal *one*.
14. The deteriorating conditions of the minorities in Jammu and in the valley.
15. The deprivation of the minorities of all their professions/jobs/sources of income under one pretext or the other or everything done in the name of Naya Kashmir.
16. Total disregard of merit and efficiency criterion for the new appointments and promotions by the popular government.
17. Not only the reduction of the share of landlords in the produce from one half to one fourth but also not allowing to give even this to the landlords of minority community by National Conference workers.
18. Even Hindu landlords, who used to cultivate their lands themselves were no longer allowed to do so.
19. Many fruit gardens belonging to minority community were also brought to the ground. *razed*
20. Adoption of permit system and wrong trade policy.

Meanwhile events were moving fast with in (9)
the state. The Consenbly unanimously adopted the
state flag,³⁰ the interim report recommending the
abolition of hereditary monarchy and the election
of the Head of the State was also unanimously
approved.³¹

Pt. Prem Nath Dogra said that the decisions
of the Consenbly were narrow-sighted and ill-conceived
and reflecting one party's ideology that solely
comprised the Consenbly. He added that these
pronocutive decisions had caused deept resentment,
throughout and particularly in the Jammu province.³³
While condemning such decisions, the Praja Parishad
? pointed out that the people of Jammu be made to

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cry for self-determination and that the will of the Kashmir valley people could not be forced on the people living outside it.³⁴ A campaign was then started throughout Jammu province to get 5 lacs of signatures in support of the Memorandum to the President of India.³⁵³⁴

Officially, a deputation³⁵ of Kashmiri leaders was summoned in Delhi on 12-6-1952³⁶ and held a series of discussion. Sheikh Mohd Abdullah also joined them on July 1952.³⁷ All this resulted in Delhi Agreement, 1952.³⁸ The Praja Parishad was of the view that Agreement was another surrender at the alter of communal intransigence and separation of Sheikh Mohd. Abdullah "A Fraud on India people and an Attack on Indian Constitution."³⁹ Pt. Prem Nath Dogra declared that Praja Parishad would launch a Satyagarch if the Agreement was enforced!"⁴⁰

The Parishad movement caused an adverse reaction in Doda District of Jammu also. A section of its inhabitants led by Goni being much agitated,⁴¹ emphasised that ~~if~~^{as} they had peculiar local problems⁴² and historically, geographically,⁴³ culturally⁴⁴ were quite different from their neighbouring unit, they could not in any way be attached with the cultural Unit of Jammu.⁴⁵ While stressing that it must be given the status of a separate cultural unit,⁴⁶ like Jammu and Ladakh, they demanded the state to be divided into as many as five cultural units ...

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Kashmir, Jammu, Poonch, Rajouri, Ladakh and Doda⁴⁷ in the future constitutional setup of J&K State. Each such unit, legally, having equal status enjoy autonomy in the conduct of their internal affairs including maintenance of law and order within their own limits.⁴⁸

The regional tension is also supposed to have provoked prominent Kashmiri leader Mr. G.M. Karra to form the first secessionist party, Political Conference, in Kashmir after 1947.

The State Government lost no time in implementing those provisions of the agreement which aimed at autonomy. Monarchy was abolished,⁴⁹ and Yuvaraj Karan Singh was elected as Sadar-e-Riyast.⁵⁰ Sheikh Abdullah was accused of ignoring those sections which confirmed Kashmir's ties with India⁵¹ and provided constitutional safeguard for Jammu and Ladakh as agreed by him. Meanwhile differences spread in his Cabinet and the working committee in regard to the interpretation and implementation of the Delhi Agreement.⁵² But Sheikh Abdullah pointed out that neither he nor the smallest worker of the National Conference had said one word in violation of the Delhi Agreement.⁵²

The Praja Parishad adopted the eight point programme for Satyagrah⁵³ the details of which were settled by Pt. P.N. Dogra and Dr. S.P. Mukherji at Jalandhar during Punjab Jana Sangh session on Nov. 8, 1952. On November 21, ~~Raj~~ Pt. P.N. Dogra and Sham Lal were arrested and the agitation started.⁵⁴

that Karan Singh should not have accepted the post of Sadar-i-Riyasat offered to him by Sheikh Abdullah when he knew how humiliatingly his father, Maharaja Hari Singh, was forced to resign. When the people of Jammu came to know of Karan Singh's visit, they boycotted his reception. The boycott was total, festoons were destroyed, arches pulled down and every visible sign of welcome removed. For this, the Jammu region had to reap the consequences in the form of repression.

The Parishad's President Pt. Prem Nath Dogra along with other political colleagues was arrested. His arrest was, in fact, the start of the agitation in Jammu. The agitators demanded one President, one flag and one Constitution. Following the arrest of Pt. Prem Nath Dogra, some Parishad leaders visited New Delhi where they conferred with the interested quarters.⁵⁵⁻⁴⁴ These leaders educated public opinion in India about the happenings in Jammu.

While the Parishad leaders were outside the State, ⁵⁶ a mass Satyagraha was launched with the following demands:-

- a) To settle the issue of accession once for all without further leaving it to uncertain future;
- b) To make it certain as to when the Pak-held Kashmir was liberated.
- c) To clearly and categorically set the constitutional relationship between the State and the Centre with a view to ensure the oneness of India at all costs and, as such, the rights of citizenship, jurisdiction of Supreme Court and

of the functions of High Court, power of the President, National Planning and financial integration are given a final shape in this relationship; and

- 1) to investigate by appointing an impartial commission the grievances of the people of Jammu regarding their economic advancement, employment, rehabilitation, division of border districts on communal lines.

(The decision of the State Government regarding the abolition of the monarchy, land to tillers, Naya Kashmir, quit Kashmir movement had caused frustration and it was added by a sense of deprivation during 1951 elections of the State Constituent Assembly, criticising it as a fraud and one sided traffic.) This made them oppose Article 370 and the demand for its total abrogation. The Jammu Hindus frustration was replete and in order to express their grievance they started the politics of protest. Satyagrah was organised on the issues that Abdullah minimised the State in the name of secularism; that there was utilitarianism in the name of democracy; that civil liberties had been crushed; that efforts were being made for carving an independent Kashmir; that Delhi was a betrayal and that situation was developing into such a direction as would "elevate the State to the status of a sovereign State, with its independence guaranteed by the People's China and the USSR, besides India and Pakistan."

gerry mander

Other issues raised up against Sheikh Abdullah related to the germendering of Hindu majority areas for election purposes; making Urdu compulsory subject for all; distribution of key posts among Muslims and sacrificing the interests of non-Muslims.⁵²⁻⁴³ Thus Sheikh Abdullah was charged with anti-national tendencies, taking away Kashmir from India. Even one of his Cabinet Ministers Shamlal Saraf was encouraged to oppose Sheikh Abdullah for his making highly inflammable public speeches and for authoritarian attitude in the Cabinet. He resigned from the Cabinet saying that "I hold my post as a trust from the people, especially the minority communities to which I happen to belong, and it becomes my duty not to betray this trust at a moment of crisis."^{57 59 11/44} Thus by December 1952, the whole of Jammu province was ablaze. The agitation had assumed into formidable dimensions. The agitators were ^{met} with arrests and punishments. The Praja Parishad had full moral and material sympathy from the Hindus all over the country. It had unflinching support of national parties like Jana Sangh, Communist Party of India, Ram Rajya Sabha ^{parishad, Hindu Mahasabha etc} and the Akali Dal. The leaders of these parties even courted arrests in support of the Parishad in protest in Jammu. It was during these days that S. P. Mukerjee was authorised by his Jana Sangh party either to seeking redress of the grievances of the Jammu people or to launch a Satyagrah movement in India in support of the agitation.

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The movement ^{therefore} assumed serious proportions and its
 repercussions were ^{also} felt outside the state also. "Anti-
 Kashmiri feelings in Jammu developed anti-Muslim
 overtones, while anti-Jammu reactions in the valley
 tended to become anti-Hindu and hostile to rest of
 the country. ⁶⁰ Finally the three parties of India Jana
 Sangh, Ram Rajaya Parishad and Hindu Maha Sabha ^{joined} merged
^{came} together in a bid ^{bid} to organise the movement in Delhi
 proper. ⁶¹ ⁵⁶ Dr. S. P. Mukherji entered into a long
 correspondence ⁵⁷ with Pt. Nehru and Sheikh Abdullah
 but nothing substantial came out. ⁶² At later stage
 Dr. Mukherji even went to the extent of accepting
 Delhi-Agreement to withdraw the agitation provided
 all Praja Parishad workers were released and its
 leaders were invited to a Conference. But the offer
 was not responded.

(Dr. S.P. Mukerjee approached the Prime Minister of India, Pt. Jawaharlal Nehru as well as the Prime Minister of Kashmir Sheikh Mohammad Abdullah. He had a long course of discussion and correspondence with them. Even he attended a Conference at Jammu while the Satyagrah was on. In spite of the repression exercised by the authorities, no possible way out could be found out to bury the hat-chat.) Finally, Dr. Mukerjee offered a 10-point formula for the withdrawal of the agitation. These points were :

- 1) The movement is withdrawn;
- 2) Order for the release of prisoners is given and there will be no victimisation;
- 3) You and Sheikh Abdullah call a Conference ... where all political and constitutional matters are discussed with an open mind;
- 4) Both parties reiterate that the unity of the State of Jammu and Kashmir will be maintained and that the principle of autonomy will apply to the Province of Jammu as a whole and of course also to Ladakh and Kashmir Valley;
- 5) The new Constitution to come into force as soon as possible and elections to take place with, say, six months;
- 6) Question of flag is to be clarified and Indian flag should be in use every day just as is done in all other parts of India;
- 7) Implementation of the July agreement will be made at the next session of Jammu and Kashmir Constituent Assembly ... In respect of fundamental rights, citizenship, Supreme Court, President's powers, financial integration in

the conduct of elections provisions of Indian Constitution will apply. Exceptions, however, may be made with regard to conditions for the acquisition of land;

- 8) The terms of reference of the Commission of Enquiry will be widened and all grievances will be examined by it;
- 9) The Commission now includes 4 persons, Chief Justice, Accountant General, Chief Conservator of Forests and Revenue Commissioner They can hardly inspire confidence. The Commission should be reconstituted with 2 Judges from India and the Chief Justice of Jammu and Kashmir...; and
- 10) Regarding finality of accession and other political matters the Conference will consider these points from every aspect and agreement sought to be reached which will be to the best interests of India including Jammu and Kashmir. //

Pt. Jawaharlal Nehru did not respond to Mukerjee's offer to withdraw the agitation. Thereupon, meanwhile the agitation was growing in its intensity. "Volunteers from the East Punjab and Delhi poured into Jammu and courted arrests as locals ... Dr. S.P. Mukerjee, founder President of All India Jana Sangh who crossed the Radhupora Bridge on May 8, 1953 in defiance of a ban was arrested and placed under house arrest in Srinagar." 64
Since Dr. Mukerjee wanted to fight his case in the Supreme Court, the State Government did not allow him to do so, 65 arguing that his arrest was under the Public Safety Act.

The arrest of Dr. Mukerjan had tremendously added fuel to the fire. The agitation took such a serious turn that it almost paralysed the entire State apparatus. Almost every part of Jammu region, from city to subwina was vibrant with mass upsurge. Chamb, Ranbir Singh Pora, Sunderbani, Samba, Akhnoor, Jaurian, Kishtwar, Hiranagar, Jhampur, Basohli, Reasi, etc. were places where people were killed and injured by firing. Lathi-charges on processions had become a normal feature of life.

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A chainⁱⁿ of multiple reactions had ^{followed} allowed. (19)

Sheikh's attitude towards Jammu: The agitation of the Praja Parishad, the role of its sympathetic organisations in India, its reactions in the valley and their counter-reactions in India, the planned process of precipitating a conflict between "Kashmir Nationalism" and "Dogra Nationalism" and Ladakh and Doda's demand for the internal autonomy had created conditions favourable for the disintegration of the state and disruption of the unity of its people. Moreover, the relations between the two Governments (Government of India and the Government of J&K) and opposition groups in the state further deteriorated. Sheikh

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Abdullah was prepared to make some concessions to the separatists in Jammu and Ladakh. The Basic Principle Committee of the Constituent Assembly was thus instructed to study the idea of extending autonomy to each province of the state. The State C.A. was therefore, busy in drafting the constitution on a fully Democratic basis.

The broad outlines had been drawn up and discussed at length by the working committee of National Conference in 2nd week of May 1953.^{67 58} The committee asserted again that the relationship of the state with Indian Union would be based on the instrument of Accession of 1947, Art. 370 and Indo-Kashmir Agreement of 1952. It was further proposed that the state would be divided into five units on cultural and linguistic line, each unit enjoying certain measures of autonomy strictly relating to internal administration.^{68 59}

According to one version the scheme of regional autonomy was on the following lines-"Three provinces, namely Kashmir, Jammu and Poonch-Rajouri were to have each as executive head, a Council of Ministers responsible to the Provincial Legislatures. As far as Ladakh and Gilgit matters, they were proposed to be administered by Regional Councils. Authority might be given under the State Constitution to the State legislatures to increase or decrease the area of these autonomous units or establish new units.⁶⁹

Broadcasting from Radio Kashmir, Srinagar on April 17th, 1953, the State Prime Minister, Sheikh Mohd Abdullah said,^{70 60} "we have decided to give autonomy

to the different cultural units of the state as will be provided in the Constitution that is being drawn up. This will remove all the fears of domination of one unit over the other and will make for the voluntary union of the people of the state.⁷¹~~61~~

Joseph Karbel ^{mentioned} ~~defined~~⁶² the cultural units as "The valley, Jammu, Gilgit, Ladakh and region consisting of the districts of Mirpur, Rajouri, Poonch and Muzzafrabad".⁷²

The idea seemed to be that a measure of autonomy in their internal affairs, would remove the fears of each of these units and would provide a moral natural and concommunal impetus for a sense of belonging and political participation. Such a sense of belonging alone could effectively counter the appeal for secession in the valley or of communalism in Jammu - "only this can ensure their unity and contribute to the development of a sentiment of genuine Indian Nationhood in this vital part of the country".⁷³~~63~~

We, thus, find that certain forces within and outside the state interacted and caused some sort of polarisation among the various stand-points. The Jammu interactionists were never completely reconciled to the State's accession to India in the three subjects along the special status of Kashmir under article 370 of the Constitution of India, the Delhi Agreement of 1952 and even the proposal to give autonomy to the

integrationists ✓
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different cultural units of the state were unacceptable to the Praja Parishad. Their search for security induced them to agitate for a highly unified Constitution with one Constitution, one President and one Flag for the whole of the country. The formation of the separate Consemby for the state, its own Sadar-i-Riyasat as the head, a separate emblem and a separate flag were, therefore, counter to their concept of a strong centre.

The stands of even the national level parties happened to be confused and contributed to uncertainty about the shape of things to come. All this created a sharp reaction and uncertainty in Kashmir.

Pakistan, on the other hand, while taking advantage of this new situation tried to misinterpret the then emerging public opinion on Kashmir as chauvinistic and to exploit the parochial sentiments of the Dogra Nationalism as well as the religious feelings of the Kashmiris. This was intended to intensify their sense of insecurity and to create doubts in their minds as to whether India would stay secularist after Nehru's death.

All this created political instability, suspense, uncertainty and economic stress. There was also an apprehension that the Kashmiri leaders might get alienated from the popular support in the valley and therefore they started ^{adopting} more assertive attitude.

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Under these compelling circumstances Working Committee of the National Conference appointed 8 members committee, in May 1953,⁷⁴ ~~64~~ to explore avenues of an honourable settlement of the accession issue.⁶⁵ The Sub-committee, at its final session, held on 9th June 1953 adopted the following proposals as possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan.⁷⁵ ~~66~~

- a) Overall plebiscite with conditions as detailed in the minutes of the meeting dated 4.6.53.⁶⁷
- b) Independence of the whole state with joint Indo-Pak control of foreign affairs and defence.
- c) Dixon plan with independence for the plebiscite area.

Then followed a period of studied inactivity and deliberate side-tracking of the main issue completing the constitution.⁷⁶ ~~68~~

Meanwhile by the sudden death of Dr. S.P. Mukherji, the President of the Akhil Bharatiya Jana Sangh and the leader of the opposition in the Indian Parliament, on 23rd June, 1953, in detention at Srinagar, the whole of North India was plunged in profound grief and submerged by a kind of anti-Nehru and Anti-Abdullah wave. Praja Parishad refused to believe that death occurred in natural circumstances.⁷⁷ ~~70~~

adopted a similarity of views and strategies with regard to the politics of Government in pre-independ-

(in house-arrest, Shri S. P. Mukerjee, an old man, suffering from several ailments passed away on June 23, 1953.)
His death in detention ^{also} brought forth much wrath upon the Sheikh from the Chief Minister of West Bengal Dr. P. C. Roy and telegraphically demanded the reasons of his death while under house-arrest. As a mark of respect to the departed soul, Pt. Prem Nath Dogra called off the agitation for thirteen days to express grief and sorrow, announcing that there would be no meetings and processions during these 13 days. The postponement of agitation at the same time gave a breathing time both to the Government of India and the State Government to find out some solution. 78

Before his demise, and the postponement of the agitation after Dr. Mukerjee's death, Pandit Nehru had vehemently criticised the Praja Parishad Agitation, saying:- 79 78

"According to my thinking the agitation of Praja Parishad in Jammu is not only communal

but is supported by communal and narrow-minded elements in India. I have not a shadow of doubt that if the narrow approach was adopted in our country as a whole, it would bring disaster in its train not only for the Jammu and Kashmir State but also to the larger interests of India. Behaving this as I do, the only course that I can follow is to resist this utterly misconceived agitation. That is our Government's opinion and they propose to adhere to it and pursue that policy."

But after the death of Mukerjee there abruptly occurred a change in the attitude of the Congress Government headed by Pt. Nehru. Many leaders including Pt. Prem Nath Dogra were released. For the first time Pt. Nehru realized that large number of people in Jammu had suffered and that "whatever our countrymen suffer, we share, to some extent, that suffering."⁸⁰ In an appeal Pt. Nehru advised the Praja Parishad to end the conflict and return to the normal ways of peaceful and cooperative politics.⁸¹ ~~with~~

of Mr. Mukerjee, the ... Parishad agitation
But while explaining his innocence in this (27)
matter, Sheikh Abdullah pointed out. ⁸² ~~71~~ (26)

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"Dr. Mukherji was a friend of mine and I had a great regard for him. Bakshi Ghulam Mohd held the portofilio of Home Affairs and Shyam Lal Saraf the portofolio of Health and Jails I could establish contact with Dr. Mukherji only through them. I did not even get authentic reports about his health from these people and I received the news of his death quite unexpectedly one morning". The rumblings of similar reactions were also heard in the Frontier District of Ladakh.²³ 72

with the death of Dr. Mukerjee, the Praja Parishad agitation also died away on July 7, 1953, the party officials announced that the agitation was called off with the hope that the grievances of the people of Jammu would be redressed and their demands met. No sooner did the Praja Parishad make the announcement than the State Government released all persons and detainees of all parties involved in the agitation.

Events thereafter followed each other in such rapid succession that one often missed the link between them. (29)

Simultaneously there were inflammatory reports that Sheikh Mohd. Abdullah was thinking to declare Kashmir as Independent, the idea of which was said to be mooted by American statesmen, Mr. and Mrs. Henderson⁸⁴~~73~~ Stevenson, during his visit to Kashmir in May 1953, reportedly promised American support to the move.⁸⁵~~74~~ Such reports again threatened to disintegrate J&K and to make it a pawn in international power politics.⁸⁶~~75~~ However, Sheikh Abdullah pointed out that the charge of planning to declare Kashmir independent was completely baseless.⁸⁷~~76~~ Moreover, when Sadiq Ali and Madhi Limaye during their visit to the state in 1954, "asked the leading spokesmen of the party (National Conference) and the Government, whether they had any documents in their possession which proved that Sheikh was in secret collaboration with Americans for carving out an independent Kashmir valley, they all denied that they had any such documentary proofs."⁸⁸~~76~~ The tragedy was that

Sheikh Abdullah was misunderstood and his urge for maximum autonomy for the state was just taken for independence.

An open rift in the camp of National Conference suddenly developed. In a cabinet of five members only Mirza Mohd. Afzal Beg continued to support Sheikh Mohammad Abdullah who decided to call a meeting of the Working Committee and General Council of the National Conference on 24th August and 26th August, 1953 respectively to endorse his new line and desired to make public his latest stand on 21st August, 1953 The Idd Day.^{89.77}

The scene was now complicated enough to climax the tragic drama of Kashmir. On August 7th, 1953, three members of the cabinet led by Bakshi, accused Abdullah in a memorandum, sent to Sadar-Riyasat, of making arbitrary decisions, of being responsible for deterioration in the administration, nepotism, inefficiency and wanton wastage of public resources and alleged that the cabinet had lost the confidence of the people.^{90.78} Sheikh Abdullah was summoned by the Sadar-i-Riyasat who suggested an emergency meeting of the cabinet for free and frank discussion at the palace.^{91.79} But he refused and left for Gulmarg to spend the weekend.⁹²⁻⁸⁰

On the other hand, the Congress leadership and the leadership of National Conference in State too, which had an identity in their approaches and adopted a similarity of views and strategies with regard to the politics of Government in pre-independ-

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The climax of the tragic drama came on 30th August, 1953. When Sheikh Abdullah's ministry was dismissed and Bakshi Ghulam Mohd. was asked to form a new Ministry.

In the early hours of 9th August

1953, Sheikh Abdullah was arrested and was given a letter of his dismissal along with

dence, were then unable to adjust their political objectives and coordinate their political operations. Underneath the stable political facade there was a marked simmering discontent and disappointment at each other's performance.⁹³~~81~~

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Thus "many birds were killed with the single stone of dismissal and subsequent arrest of Sheikh Abdullah".⁹⁴~~82~~ But Sheikh Abdullah's political "martyrdom" on 9th August made him a popular hero of Kashmir, once again.⁹⁵~~83~~

The fateful crisis of 1953 was therefore, logically the result of inter-regional tensions in particularly represented by Praja Parishad agitation of 1952-53, the motivational variations arising out of varied political considerations and failure of National leadership at various levels to reconcile divergent regional and Kashmir aspirations and

~~while~~ Conclusion: *while concluding* I may point out that

The Praja Parishad agitation was just a protest launched against the Valley based leadership which enjoyed political power. ~~The agitation~~ ^{and} was against the special status accorded to Jammu and Kashmir State under Article 370 of the Indian Constitution. It stood, therefore, for complete integration with India. Sheikh Abdullah was dubbed as communist whose main political object ^{said to be} was to carve Kashmir as an Independent State. ~~The Praja Parishad had propagated these things all over the country.~~ The Sheikh had come to the conclusion that the conflict of ideals and interests created by Praja Parishad agitation, even if it was called off, still remained. ^{Moreover} The Jammu Praja Parishad agitation ~~was~~ and its objectives ^{too} had created doubts among the Muslim population in the State. Quoting Pt. Nehru's speech in Lok Sabha on August 10, 1953, Balraj Puri ^{pointed out} wrote that "the unfortunate agitation had sought to undermine the basic position and had created not only confusion but also powerful reaction especially in the valley of Kashmir?" ⁹⁴⁻⁹⁶

The Praja Parishad agitation was responsible to have its adverse effect on the mind of Kashmiris, leading to ~~the crisis of 1953.~~ It almost alienated Kashmiris from mainstream of Indian nationalism. One of the allegations levelled against the Government was that Sheikh Abdullah's administration was discriminatory in character. ~~Any and~~ ^{any and} administrative set up headed by Sheikh Abdullah was an anathema for the Hindus and as such his exit was strongly desired. CC-0. Nanaji Deshmukh Library, BJP, Jammu. Digitized by eGangotri

(32)

However, The dismissal of Sheikh Abdullah ^{and subsequent arrest} gave a sigh of relief ^{not only} to the Praja Parishad. ^{but the} The Hindus of Jammu ^{also} felt a psychological satisfaction ^{in that} it was ^{therefore} rather the only successful result of the agitation. (Pt. Jawaharlal Nehru grew suspicious about Sheikh Abdullah's way of doing things. For him, the Sheikh had tarnished his public life.)³⁸ But ^{At the same time} the Parishad agitation and the role played by the Central Government in general and Pt. Nehru in particular had ~~its~~ dark side. ~~It~~ not only caused political frustration in Sheikh Abdullah and made him suspicious about the so-called Indian secularism but it also served "the cause of Kashmiri Pandits by alienating the ^{majority of} Muslim majority ~~part~~ of Jammu ^{region} and ^{driven} driving them closer to their co-religionists across the Pir Panchal".⁴⁵

X/9 The Praja Parishad ^{movement} ~~agitation~~ was simply a protest ^{therefore} and ~~the~~ demands it had voiced during ^{the} the course of agitation.

In short the Praja Parishad movement of 1952-53 was simply a protest of the people of Jammu region against against Kashmiri Chauvinism. The demands it had voiced during the course of its agitation remained almost untouched. The Kashmir State could not be totally integrated with the Indian Union. Art 370 of the ~~Ind~~ Constitution of India could not be abrogated and the State ^{still} continued to enjoy special Status under ~~the~~ Art 370. Even the slogans of plebiscite and secession are still occasionally raised from different parts of the valley. In fact the Praja Parishad agitation increased the P.T.O.

the frustration of the people of Jammu region and in order to
give vent to their frustration they ^{not only} bursted into agitation from
time to time but also put the state on ~~political~~ political
convulsion.



remained almost untouched. The State of Jammu and Kashmir would not be totally integrated and it still enjoys the special status under Article 370 of the Indian Constitution which still exists in spite of the Praja Parishad's claims to abrogate the same. The question of plebiscite and even secession is raised from time to time. The agitation, in fact, left the people of Jammu with frustration and to give vent ~~out~~ to their frustration. The people of Jammu burst into agitation from time to time. Several agitations were witnessed in Jammu after 1953 and the agitation of 1978-79 about regional imbalances had once again put the State on political convulsion.

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President was Hari Wazir and the Gen. Sacty. was
Madhok, wazir was succeeded by Jala Roop Chagd
Nanda. Nanda was arrested in 1949, The Parishad

P.T.O

~~Jammu Rejects a separate constitution for
J & K State - a pamphlet published by the
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~~P-1~~

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KASHMIR'S SPECIAL STATUS VIS-A-VIS ARTICLE 370 OF INDIAN CONSTITUTION.

Historically speaking, the origin of Special Status of the Jammu and Kashmir State may be traced to the formation of Jammu, Kashmir and Ladakh as a single political entity called The Jammu And Kashmir State under a treaty concluded between ~~British Government~~^I and Maharaja Gulab Singh of Jammu at Amritsar on 16th March, 1846. By virtue of Article I of this treaty The British Government transferred and made over for ever, in independent possession to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus and westward of the river Ravi.² Under article 9 of the treaty, The British Government undertook the responsibility to give aid to Maharaja Gulab Singh in protecting his territories from external enemies. Maharaja Gulab Singh³ also acknowledged the supremacy of the British Government. The special feature of the treaty was that there was no article by virtue of which British Government could appoint or station a British Resident in Kashmir. It was, however, not the practice of the British Government in other states.⁴ Even under proposed India federation of ~~1935~~^{under 4/1935}, Indian Constitution Act, The then Maharaja of Kashmir while agreeing to join the proposed federation, suggested for the transfer only three subjects—the Defence, Foreign Affairs and Currency to the central government.

~~However~~^{Hence}, the constitutional relations between Kashmir state and the Indian Union was first determined by the Instrument of Accession signed between the Maharaja Hari Singh—the last Dogra

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Article 370

However, the process of integration and constitutional adjustment, which had been adopted in regard to the other Indian States, was not at all followed in the case of Jammu and Kashmir, and the constitutional relationship between the state and the central government continued to be governed by the provisions embodied in the Instrument of Accession. Actually, till the controversy with regard to the formation of the interim govt. in the state remained unresolved, the govt. of India hardly got the opportunity to access the issue of Centre-State relations with any clarity of approach. Uppermost in their minds was the difficult problem of finding a balance between what the Maharaja of Kashmir still thought constitutionally right for the ~~for~~ state and what the leaders of the All Jammu & Kashmir National Conference deemed politically expedient. The govt. of India was also more than involved in the dispute with Pakistan and the complicated problem of negotiating a truce on the battle front and conduct of a plebiscite in the state.

Hence, the constitutional relations between Kashmir State and the Indian Union was first determined by the Instrument of Accession ~~signed~~ signed between the Maharaja Hari Singh - The ~~last Dogra~~.

last

ruler and Lord Mountbatten way back on 26th Oct. 1947. By virtue of this Instrument of Accession, the central legislature could make laws for the Kashmir State in respect of Defence, Foreign Affairs, Communications and Ancillary matter. Later on, when the Constitution of India was being completed by 1950, and the situation regarding Jammu And Kashmir - both at the national and international levels - had entered a stalemate, it was deemed necessary to make provisions in the Indian constitution regarding the J&K state and its constitutional relations with Indian Union. Accordingly, the issues involved were discussed in a meeting of the state and central representative ~~was~~ held in Delhi in May, 1949, and certain broad principles were agreed upon ^{on which the constitutional relations of the State, in the future Constitution of India, was to be based}. The position, however, crystallised finally when the special provision Art. 306-A was drafted for being placed before Consenbly of India. The All Jammu & Kashmir National Conference had sent an alternative draft which neerly said that the provisions of the constitution shall apply to Jammu & Kashmir only in respect to the acceded subjects and that the Dominion Parliament shall be entitled to legislate with regard to the state only in respect of these. A further provision was made to the effect that the Government of the state mean "His Highness the Maharaja, acting on the advice of the Council of Ministers, as at present constituted and not through exercise of his individual judgement and discretion." The National Conference ~~was~~ was also fearfull that the application of the provisions with regard to Citizenship, Fundamental Rights etc. would affect the State Subject laws and the Land Reform Programme.

(x) the principles ^{stipulated} ⁵ agreed upon were:

1. The Constitution of the state would be framed by a Constituent Assembly representing the people of the state;
2. The future of dynastic rule of the Dogras would be determined by the Constituent Assembly of the state;
3. The division of power between Government of India and the State would be governed by the provisions of the Instrument of Accession;
4. The Constituent Assembly of the State would empower to determine what other powers would be transferred to the Government of India;
5. provisions with regard to citizenship, Fundamental Rights and the Directive principles of state policy envisaged by the Constitution of India, would be discussed; and
6. the operational and the administrative control of the State armies would be taken over by the Government of India.

What was actually worrying the National Conference leadership was if these general provisions become applicable to Kashmir State, their legislations regarding non-State subjects in respect of acquisition etc. of the property will become invalid. The Kashmiris were perhaps worried about the occupation of their country state by Punjab⁷is." The main intention behind

this move of the National Conference was that, firstly, the Centre should legislate only on acceded matters; secondly, that the Maharaja should be only a nominal head of the State; and, thirdly, that the State should be secured against infiltrations from outside. ⁸ Draft Article 306-A was revised three times just to accommodate the view-points of both the parties. The first revision dropped the provisions relating to Fundamental Rights and Directive Principles of State Policy; the second revision omitted provisions relating to citizenship; and finally, when the draft was moved in the Constituent Assembly on 17th Oct. 1949, there occurred a clash on the issue as to who constituted the Government of the State. The Conference leaders insisted that the Government of the State should be construed to mean the Maharaja acting on the advice of the "Council of Ministers" appointed under the Maharaja's proclamation of 5th March, 1948. ⁹ Ayyanger accepted this, but when the draft was circulated, objections came from many quarters on the point that the definition was restrictive to the extent that it covered only the ministry appointed by the proclamation issued on 5th March, 1948, and excluded any subsequent ministries. So, Ayyanger modified the explanation to the extent that the Government of the State would be construed to constitute the Maharaja acting on the advice of the "Council of Ministers" for the time being in office under the Maharaja's proclamation dated 5th March, 1948. When the modified draft was presented to the State leaders the National Conference refused to accept it. Sheikh Abdullah in a protest sent a sharp reminder to Ayyanger asking him to re-consider the issue, failing which he threatened to resign from the Constituent Assembly. ¹⁰ The National Conference resented the modification as it got apprehensive that in case the above explanation was accepted, it would become easy for the Indian

1. Ibid; redraft of Article 306-A; pp.303-304.
2. Sub-section(b) of Clause (1) of Article 306-A.
3. Bano Durga; Sardar Patel's Correspondence; Newswatch Publications; Volume I; 1953; p.309.

Jammu and Kashmir and wanted that the Union Government should grant similar concessions to other states also.

, however,
But Gopalaswami Ayyangar explained that the special status being temporarily granted to the state in question was due to the special conditions prevailing in Kashmir. These special conditions according to him were :

- 1 A war had been going on within the units of Jammu and Kashmir.
- 2 Although a ceasefire had been agreed upon, peace had not returned to the state because of the activities of the tribals.
- 3 Parts of the state were still under the occupation of the invaders and under their control.
- 4 Since the matter of invasion and occupation of the part of the territory of Jammu and Kashmir was before the Security Council, it was not possible to say when the territory under occupation would be restored to the Dominion of India.
- 5 The Government of India had promised the people of Jammu and Kashmir that their wishes would be ascertained on the issue of accession as soon as peace was restored.
- 6 Neither the legislature nor the Constituent Assembly could function unless complete peace prevailed in the state. Till a Constituent Assembly came into being,

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all that was possible was an interim arrangement, not
the kind of arrangement that existed in other states.

Government to apply any provisions of the Indian Constitution with the concurrence of the ministry in office for the time being.

In spite of the pretest and resentment on the part of the National Conference, Indian leaders did not yield at this time, and Ayyanger took a firm stand when the provisions giving a special status to the State were finally embodied in Article 370. Ayyanger assured the National Conference that changes made were not of any substantial nature but were considered necessary from many points of view. Ayyanger, while justifying the move, wrote to Sheikh Abdullah on 18th Oct. 1949. "... I hope you will, on reflection, realise that the change of words does not constitute the slightest change in sense or substance..."¹¹ In spite of the assurance, the National Conference was not willing to accept the modified explanation, but Ayyanger too did not yield. He wrote to Nehru in this connection "... After a great deal of discussion the Assembly was persuaded to accept all the changes except the last one, which was modified so as to cover not merely the first ministry so appointed but any subsequent ministries which may be appointed under the proclamation. Sheikh Abdullah has not reconciled himself to this change but we cannot accommodate him in this matter..."¹²

The position which emerged after the incorporation of Articles 370 was that only Articles one and 370 of the Indian Constitution were to apply to Jammu and Kashmir State in their original form. Although the State became an integral part of the Indian Union by virtue of Article one item 15 (and 1st Schedule), the relations between India and Jammu and Kashmir were to be governed by the provisions of Article 370. Applications of Article One to the State of Jammu and Kashmir becomes essential because of its geographical location and for the territorial integration of the State for the preservation of national integrity and solidarity, especially at the time when outside

1. Ibid; p.309.

2. Ibid; p.310.

Influences were trying to assert themselves in the State. Article 370, on the other hand, was the step towards the long - cherished desire of Kashmiri leaders with regard to State autonomy. This Article constitutionally promoted and protected the concept of State autonomy. The very fact that this Article begins with the words "NOTWITHSTANDING ANYTHING IN THE CONSTITUTION" shows that it is a self-contained provision and has a specific purpose of its own. The object behind enacting Article 370, according to the Supreme Court ruling (in the case of Puran Lal Lakhanpal v/ s the President of India, in 1961) was to recognise the special position of the State of Jammu and Kashmir and to provide for that special position by limiting the powers of the Union President and Parliament.

It is by virtue of Article 370 that the Constituent Assembly of Jammu and Kashmir was given the authority not only to frame the Constitution for the State but to concur in the application of the Indian Constitution and in the extension of the jurisdiction of Indian Parliament to Jammu and Kashmir. Further progress about the constitutional relations between Jammu and Kashmir and India was contingent on the recommendations of the Jammu and Kashmir Constituent Assembly. After analysing the provisions of Article 370 one gets a clear picture of the special status given to the State. In accordance with these provisions the competence of Indian Parliament was restricted to (a) such entries in the Union and Concurrent Lists of the 7th Schedule to the Indian Constitution as corresponded to the subjects specified in the Instrument of Accession; (b) elaboration of which (subjects) was to be done by the President by an order, in consultation with the State Government; and (c)

1. The 15th year Digest 1951-56 by Chitally D.U. and Rao S.A. All India Reported Publication; p.313 (case - Mohd Subhan v/s State, 1956-A IR 1956, Jammu and Kashmir K I(3,4) (Pt B) (P28)F.B.
2. Lakhanpal P.L. Essential Notes and Documents on Kashmir Dispute; International Books; Delhi; p.310.
3. Constitution of India; Article 370; Col.2.
4. Ibid; 370 Art; Col.I(a).
5. Ibid; Article 370; Col.I(B)-11

additions to which were to be made with the concurrence of the State Government.

Similarly, provisions of the Indian Constitution, other than Article One could be applied to Jammu and Kashmir with or without modification by the President by an order, issued in consultation with the State Government, relating to matters specified in the Instrument of Accession and with the concurrence of the State Government relating to other matters. The modification or elimination of the provisions of Article 370 was provided for in Clause 3. This could be done by the President by public notification. However, the recommendation of the Constituent Assembly of Jammu and Kashmir State was necessary before the President could issue such a notification. It seemed that when the Constitution used the word "modification" the intention was that the President would have the power to amend the provisions of the Constitution, if he thought so fit in their application to the State of Jammu and Kashmir. But the Supreme Court held that the provisions relating to the amendment of the Constitution (368) apply to Jammu and Kashmir only by an order under Article 370. That means, that the powers of the President, as defined by the Supreme Court, enabled him to amend and not partially alter, as is generally understood by "modification," provisions of the Indian Constitution as applied to Jammu and Kashmir.

The Residuary powers were reserved for the State and the State Constituent Assembly - which acted in the double capacity of a Constituent Assembly and a legislature - was made the sole and decisive factor. Both the Parliament and President enjoy merely a formal authority. Similarly, the explanation clause of the Article 370 reflects the pro-conference attitude of the Indian Government and their keen desire to bring the National Conference into the picture. The Maharaja was supposed to act on the advice of the

1. Ibid; 370 Col. (c)(d).
2. Ibid; Article 370;(3).
3. Ibid; Article 370; Col. I(B)-11.

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Council of Ministers (Sh. Abdullah's Ministry). Article 370 follows the sub-heading, "temporary provisions with respect to the State of Jammu and Kashmir" implying the special constitutional relationship between the State and India to be temporary and transitional. The intension was made clear by the then Indian Cabinet Minister, Shri N. Gopalaswami Ayyangar, while presenting the Article in the Constituent Assembly on 17th Oct; 1949. He said: "Discrimination is due to the special conditions in Kashmir". These are:-

- 1) There has been a war going on within the limits of Jammu and Kashmir State.
- 2) There was a cease-fire agreed to at the beginning of this year, and that cease-fire is still on. But the conditions in the State are still unusual, and;
- 3) Part of the State is still under rebels and enemies;
- 4) We are entangled with the United Nation in regard to Jammu and Kashmir, and it is not possible to say when we shall be free from this entanglement;
- 5) The Government of India have committed themselves to the people of Kashmir in certain respects; we have committed to ascertain the Will of the people on the issue of accession by means of a plebiscite, provided that normal and peaceful conditions are restored; we have also agreed that the Will of the people, through the instrument of the Constituent Assembly, will determine the Constitution of the State as well as the sphere of Union jurisdiction over the State.
- 6) Neither the legislature which is dead, nor the Constituent Assembly can be called or can function until complete peace comes to prevail in the State. Till a Constituent Assembly comes into being only an interim arrangement is possible and not an arrangement that exists in case of other States.

Keeping these points in view, it is an inevitable conclusion that at the present moment we could establish only an interim system and Article 370 is an attempt to establish such a system. 22

This speech throws light on the motivation of the Indian leaders. Their main object behind incorporating Article 370 and giving special status to Jammu and Kashmir was because of the special conditions in the State created by the

1. See the explanatory clause of Art. 370 in Appendix.
2. /Constituent Assembly Debate; Volume No. 10; p. 422.

(10)

tribal invasion. But the National Conference leadership viewed Article 370 from a different angle and with a different objective. Their argument was that as the State has to enjoy some autonomy there must be a constitutional guarantee for it, and Article 370 was the only way to serve the purpose. It was this difference in approach which further influenced the course of the State's relations with the Centre, one party looking at it from one angle, and the other party from another angle. The intention of the State leadership is reflected in their own speeches during that period. Sheikh Abdullah, while addressing the State Constituent Assembly said: ".... In arriving at this arrangement the main consideration before our Government was to secure a position for the State which would be consistent with the requirements of maximum autonomy for the local organs of State power which are the ultimate source of authority in the State while discharging obligations as a unit of the federation." ^{23 1} The State Premier held the view that Article 370, no doubt, has been mentioned as a temporary provision in the Constitution but that does not mean that it is capable of being abrogated, modified or replaced unilaterally; the temporary nature of the Article arises merely from the fact that the power to finalise the constitutional relationship between the State and the Union of India has been specifically vested in the Jammu and Kashmir Constituent Assembly. ^{24 2} Bakshi Ghulam Mohd too, made the point clear when he said: "Article 370 has been added in the said Constitution specially for Kashmir. There is nothing special in it. It is because of the Kashmir movement which was taken into account. We are giving a practical shape to the same, and there is nothing new. Everybody knows that the report which is presented today does not contain anything new except that it has been presented in a compiled form." ^{25 3}

1. Premier's Statement in the Constituent Assembly on August 10th 1952. See Appendix for the details.
2. Ibid.
3. Jammu and Kashmir Constituent Debate, Vol. III, No. 2, p. 29, 30th June 1952.

Pattern of relationship which emerged with the incorporation of Article 370 is quite different as compared to the relations of other States with the Central Government. And it was held and felt that Article 370 actually makes Kashmir "a republic within a republic,"^{26 1} by giving to the State the power to have a separate Constituent Assembly to frame its own Constitution, and to devise separate rules and separate set of relations with the Indian Dominion. (In the legislative field, the Central Government found itself at the mercy of the State Government.) One unique feature of the special provisions with regard to the State was the total absence of any arbitral and judicial machinery to settle any dispute that could arise between the Union Government and the State. Provisions with regard to the jurisdiction of the Supreme Court were not made applicable to the State.

Another complicating aspect was the complete economic isolation of the State because of its reluctance to participate in the financial structure of the Government of India which had evolved.^{27 2} But later on the State leaders realised the effects of this economic isolation, and secured statutory grants for the economic reforms they had undertaken. The structure which emerged, by giving special status to one of the units, was different from the general arrangement of the Indian federalism. (There came two stages in the working of Jammu and Kashmir State's relations with the Union. Under the first stage the State did come closer to the Indian federation but emphasis on autonomy continued. There was a quest for status, which continued till 1952 and this was the period of structure formulation. The second stage was that of integration.)

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR), ORDER 1950.

With the promulgation of Constitution of India and
In accordance with the provisions of Article 370(1) the President issued this order on January 26th, 1950, with the consultation of the Government.

1. Mr. Beg's speech in Jammu and Kashmir Constituent Assembly: 28-9-1952.
2. Tong M.K. Kashmir's Special Status; Oriental Publishers and Distributors, Delhi 1975; pp.53-54.

(+) → In short Art 370 of the Constitution of India, limits the power of the parliament to make laws for Jammu and Kashmir to such of matters as are enumerated in the Union List and the Concurrent List, which the president in consultation with the Government of the state, declares to be corresponding with the matters specified in the Instrument of Accession of the state to the Union of India, and to such other matters in the said lists as the president may with the concurrence of the government of the state specify.²⁸

The article 370, thus, in no way affects the state's status as a part of the Republic of India. Article 1 of the Constitution of India, which defines the territory of India was ^{also} made applicable to the state, under Art 370, and included its territory.²⁹

The Constitution (Application To Jammu And Kashmir) order 1950
with the promulgation of Constitution of India on 26th January 1950, the President of India, in consultation with the Government of Jammu and Kashmir issued ^{this} order under Art. 370.

of Jammu and Kashmir, defining the jurisdiction of the Union Parliament and the provisions of the Indian Constitution applicable to Jammu and Kashmir. ^{30 T}
The subject matter of this order related to the elaboration of the subject already specified in the Instrument of Accession.

Two schedules were added to the order. The first related to the jurisdiction of Union Parliament in Jammu and Kashmir and enumerated the appropriate entries from the Union List of the Seventh Schedule to the Indian Constitution. Entries 1-6, 9-22, 25-31, 72-77, 80 and 93-96 of the Union List were enumerated. The subjects covered were defence, foreign affairs, communications, trade and commerce with foreign countries, matters relating to Parliament, Union Executive and Supreme Court, audit of the accounts of State, and ancillary matters. Some of these entries were modified, such as those relating to railways (22), Trade and Commerce (41), and Audit (76). The second Schedule tabulated the provisions of the Indian Constitution applicable to Jammu and Kashmir and indicated the exceptions and modifications. Parts of the Constitution applicable to Jammu and Kashmir were these: V, XI, XII, XVII, XIX-XXII, and the first to fourth and the eighth Schedules. The subject matter of these parts related to the Union executive, Parliament and judicial relations between the Union and the State; finance, property, contract and suits, elections, special provisions relating to certain classes, official language, amendments ancillary provisions in the Schedules, and so on.

The main omissions, exceptions and modifications may be noted: the Fundamental Rights and Directive Principle did not apply to Jammu and Kashmir; the jurisdiction of the Supreme Court was restricted to original and appellate jurisdiction under articles 131 and 132, the Comptroller and Auditor General had no jurisdiction in relation to Jammu and Kashmir. Representatives of the State in Parliament were to be chosen by the President in consultation with the State Government, relations between Jammu and Kashmir and India were to be regulated by the President.

1. White Paper on Indian States, or India 1947 Select Documents Vol. I pp. 411-416.

restricted to matters indicated in the First Schedule above, and the residuary powers lay with the State: Articles 247-252 did not apply and the financial provisions of the Constitution did not apply to the State. Election provisions were to apply only in relation to election to Parliament and to the offices of the President and Vice-President, emergency provisions did not apply; amendments to the Constitution would apply to Jammu and Kashmir only under an appropriate order of the President, issued under Article 370(1);

H.B.
B.A.
~~Prime Minister Jawaharlal Nehru~~ ^{however} also supported the ^{any special status} special consideration that was being given to Jammu and Kashmir. ^{while} Commenting on the constitutional relationship between the state of Jammu and Kashmir and the Union of India, he said in the Lok Sabha on 24 July 1952 :

"The process of integration adopted in the case of other states could not be adopted in regard to the Jammu and Kashmir state for a variety of reasons. The question was before the United Nations in a fluid state. Further, we declared even before the partition that no step will be taken in the state without the consent and concurrence of the state. Thirdly, we have recognised that the position of Jammu and Kashmir was somewhat different from that of other states for obvious reasons".

32 42

The granting of special Status to Jammu and Kashmir state, as envisaged in Art 370 of the Indian Constitution, has been subjected to heated debates and discussion since its incorporation in the Constitution and the subsequent application to the state. Different view points have been expressed by the cross section of people as well as the political parties³¹.

pt. Jawahar Lal Nehru, however, supported the special consideration on the basis of which the Jammu and Kashmir state has been given the special status,

The rightist parties and their leaders in India strongly objected the incorporation of Art 370 in the Constitution of India and its ~~enforcement~~ ^{subject} subsequent enforcement. They believed that "this article not only acts as a great hindrance in the final integration of the state with Indian Union, encourages, the rise of unpatriotic and secessionist forces in the valley, but also creates a sense of insecurity among the pro-India elements of the state"³³. But for the rightist parties in the valley like plebiscite Front, Jamet-e-Islami, Awami Action Committee, M.U.F and others, article 370 had been irrelevant because they refused to recognise Kashmir's accession with Indian Union. ~~Straw~~

It was also propagated by ^{some of} the responsible people in the state that as soon as article 370 would ^{be} ~~abrogated~~, outsiders (from India) would come and buy off the land that had been distributed to the hillers and that big capitalists would invade Jammu and Kashmir and would exploit the manpower and national wealth of the state. They, therefore, strongly pleaded for the ^{retention} ~~finality of preservation~~ of article 370, permanently, in the Indian constitution for the betterment of the people of Kashmir³⁴.

The leftist parties and their leaders inside and outside,
 on the other hand, supported the grant of special status
 to Kashmir in terms of article 370 of the Indian Constitution.
 They believed that it would enable the Kashmiris to fight
 against imperialism and facilitating ~~to fight~~ the
 abolition of landlordism and monarchy and to remain
 free from interference of the president and the parliament
 of India.³⁵

With the promulgation of Constitution of India on 26th January, 1950, the president of India in accordance with the provision of article 370(1) and in consultation with the government of Jammu and Kashmir, had issued the Constitution (Application to Jammu And Kashmir) order 1950. This order simply elaborated the subjects already specified in the Instrument of Accession. In September 1951, the Constituent Assembly of Jammu And Kashmir was also established to frame its constitution.

On 14th May, 1954 the president of India in exercise of the power conferred by clause (1) of Art 370 and with the concurrence of the then state government issued Constitution (Application to Jammu And Kashmir) order 1954 which clearly defined the jurisdiction of the Indian Constitution over the state under article 370. As the main features of this order were extension of Fundamental Rights, emergency powers of the president, and provisions pertaining to official language, the leaders of fundamentalist and secessionist parties and groups in Kashmir termed it as erosion of article 370 of Indian constitution. As twenty-eight constitutional

Application To Jammu And Kashmir) orders were issued by the President ^{on the recommendations of State Assembly} since 1954 upto 1977 to amend his order of 1954, the parliament had extended more than 260 central laws to the State.⁴⁰

Although most of the central laws extended to the state are pieces of social welfare legislation and if implemented properly would go a long way in alleviating the troubles of different sections of the population, yet Kashmiri leaders and the people have condemned their extension to the State⁴¹. In fact, the main policy of the All Jammu And Kashmir National Conference all along ~~has been~~ ^{has been} to safeguard Art 370. Its leaders have ~~accepted~~ ^{accepted} time and again that Art 370 has been eroded by the past regimes and they pledged to restore it to its original position. It, therefore, appears that the opposition to the extension of these laws is not on the basis of their contents but the manner in which they were imposed on the state⁴². ~~while condemning the extension of the central laws to the state~~ Sheikh Mohd. Abdulullah ~~also pointed out~~ ^{also pointed out} that the extension of ~~these~~ ^{central} laws was an encroachment on the state autonomy on the ground that the Assembly on whose recommendations those laws were extended did not enjoy the representative character.⁴³ while giving protest calls against the

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extension of the central laws the plebiscite Front leaders called it 'unconstitutional' and 'undemocratic' measures adopted by India to grab Kashmir completely.⁴⁴

India does not represent the same features at present as it did forty seven years ago. The nostalgia of the majority community in the state about article 370 may, therefore, be attributed to the following factors: —

- (1) Dismissal of Sheikh Abdullah's ministry in 1953 unconstitutionally and illegally. The event confirmed the apprehensions of the majority community that Central Government can remove or instal Governments in the State ad libitum without having any regard for the popular sentiments.
- (2) The continuation and perpetration of communal violence in post partition India giving rise to the apprehension that more integration with Centre would mean greater insecurity.
- (3) With the educational awareness, Article 370 provides more and more job opportunities for the majority community within the State. Moreover, apprehensions have been expressed time and again that members of the majority community do not find job opportunities outside State. According to them, they do not find representation even in the Central Offices in the State. ¹¹⁴⁵

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Signature...
Date..

(i) I have carefully gone through the Syllabus and Courses of Study prescribed by the University and also the relevant papers and instructions sent to me for the purpose and I declare that no question or part of question has been sent by me outside the prescribed Syllabus and Courses of Study.

(ii) I have destroyed all drafts, notes etc. and have retained no copy with me of the Question Paper of which the copy right will be held by the University of Jammu and I kept all the relevant notes etc. under lock and key while setting paper.

Certified that :

PRAJA PARISHAD AGITATION OF 1952
ITS CAUSES AND INTER-CONNECTION
BETWEEN INDIAN FEDERATION PROCESS
AND INTER-REGIONAL RELATIONS

*
Dr. Vidya Bhushan

The all Jammu and Kashmir Praja Parishad, being essentially a reaction to the aggressive trends in the local nationalism of Kashmir, a protest of a region which felt politically ignored and condemned,¹ result of regional nationalism, a regional and a largely Hindu dominated party was found² in 1947. Hindu Dogras had a sense of insecurity as a minority community in the State Representing their apprehensions, Praja Parishad sought security in the retention of the Institution of the Maharaja as a Constitutional head of the state. For the same reason they favoured closer ties between the State and Indian Union and abrogation of Article 370 which conferred a Special Status on the state. It rejected, outrightly a separate Consenbly,³ separate emblem and separate flag for the state and the Institution of Sadar-i-Rayasat and demanded the application of Indian Constitution in its entirety,⁴ like Jana Sangh, its policy too was influenced by the ideology of AKHAND BHART and regarded the accession of the State to the Union as final, complete, legally valid and beyond question.⁵ The Party believed in the concept of India as a strong Unitary State.⁶

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Paper presented in a Seminar organised by Institute of J&K Affairs with the help of financial assistance of ICSE from 3rd to 5th Jan. 1952.

The Party which had previously criticised the convening of Consenbly to draft separate constitution for the state decided to contest the elections and demanded representation in Delimitation Committee.⁷ Soon after the party leadership charged the National Conference and its Government of commission of malafide tactics,⁸ number of irregularities⁹ and dubious methods¹⁰ in Jammu Elections and gave an ultimatum¹¹ and ultimately bycotted the elections under protest.¹² This gave rise to the Prashid war cry:

Ek Desh do Vidha -In one country two Constitutions

Ek Desh men do Nishan -In one country two Flags;

Ek Desh men do Pradhan-In one countrytwo Prime Ministers;

Nahin Chalengay! Nahin Chalengay - Will not be tolerated;¹³

A minor incident over the protest of a few students against hoisting a National Conference Flag in G.G.M. College on 15th January 1962¹⁴ touched off the conflagration. The incident led to penalisation of the students¹⁶ Students hunger strike.¹⁷ Violence,¹⁸ Police lathi charge, firing,¹⁹ partial paralisation of administrative machinery in Jammu city, intervention of the Military and imposition of 72 hours curfew under its cover, the entire leadership of Praja Parishad was arrested as the Government charged that the demonstration was organised and inspired by the Praja Parishad. There was a sharp reaction in the State as well as rest of India.²¹ On the intervention of Mr. N.G. Ayyangar, the then Minister of State

of India, who visited Jammu in April 1952 to study the situation and cool passions,²² they were released. But it left trail of bitterness.

Meanwhile Mirza Mohd. Afzal Beg the then Chairman of the Basic Principles Committee pointed out in the Constituent Assembly on March 24, 1952 that the State of Jammu and Kashmir would be "an autonomous Republic within the Indian Union, with a separate President, National Assembly, Judiciary, Regional Autonomy and separate citizenship."²³ Beg's statement was deeply resented not only in Jammu but also in Ladakh and rest of India and created serious apprehensions about the credibility of the leaders of Kashmir.

Regional discontent was also growing in Ladakh. In a memorandum submitted to the State Prime Minister Sheikh Mohd. Abdullah, Kaushak Bakula, Head Lama of Ladakh and member of the Constituent Assembly, demanded for a statutory provision in the future constitution of Jammu and Kashmir under which state's North-Eastern Frontier Province of Ladakh covering Slnkiang and Western Tibet, would become a federation unit of Kashmir as long as the accession of the state to India endures. He urged that a separate Legislative Assembly of 15 members, with an Executive Council responsible for it, should be set up for Ladakh to run the internal administration of the area. He pointed out that under that proposal Ladakh would largely bear the same relation to the J&K State

as the later did to India. Asserting that under the circumstances Ladakh would have little or no voice in the State's 75 member Constituent Assembly where it was, in point of race, language and culture a perfect stranger to the rest of the members. He claimed that his plan was the best guarantee of the stability of the connections, of Ladakh with Kashmir. In case his plan was not deemed feasible, he added, then a committee of 10 members elected on the joint electorate basis be set up for Ladakah and no measure affecting the economic, political and religious life of the province be passed by the State Constituent Assembly or the J&K Government without its approval; all proposals emanating from the Statutory Advisory Committee be treated as the "Voice of Ladakh".²⁴

Kushak Bukola had a talk with N.G. Ayyengar and repeated the demand that Ladkah be granted internal autonomy. Kashmiri leaders did not take kindly to these regional protests and were particularly provoked by the merger movement of Praja Parishad. Strongly reacting to the Praja Parishad movement Sheikh Mohd. Abdullah, in a sensational speech at R.S. Pura on the 10th April 1952, said that Kashmir's accession to India would be of restrictive nature and those who wanted Kashmir to lose its separate identity were talking without any conception of political realities that faced them.²⁵ In another speech at Hazratbal on 18th April, 1952, he said that Kashmir is in no way were prepared to renounce

their cherished ideology in furtherance of which they had offered blood and sweat during the two decades, Kashmir had acceded to India in respect of only three subject - Defence, External Affairs and Communication and had the right to shape their destiny according to the wishes of the people.²⁶ In another speech at Hazarathbal on 25th April, 1953 he said that the whole world was aware of their policy that the Consenbly would decide three important issues: framing of the Constitution, the future of the ruling dynasty and the accession of the State.²⁷ These speeches faused an uproar in Jammu particularly and the Indian Press²⁸ and public opinion²⁹ was also agitated.

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cry for self-determination and that the will of the Kashmir valley people could not be forced on the people living outside it.³³ A campaign was then started throughout Jammu province to get 5 lacs of signatures in support of the Memorandum to the President of India.³⁴

Officially, a deputation³⁵ of Kashmiri leaders was summoned in Delhi on 12-6-1952³⁶ and held a series of discussion. Sheikh Mohd Abdullah also joined them on July 1952.³⁷ All this resulted in Delhi Agreement, 1952.³⁸ The Praja Parishad was of the view that Agreement was another surrender at the alter of communal intransigence and separation of Sheikh Mohd. Abdullah "A Fraud on India people and an Attack on Indian Constitution."³⁹ Pt. Prem Nath Dogra declared that Praja Parishad would launch a Satyagarch if the Agreement was enforced."⁴⁰

The Parishad movement caused an adverse reaction in Doda District of Jammu also. A section of its inhabitants led by Goni being much agitated,⁴¹ emphasised that if they had peculiar local problems⁴² and historically, geographically,⁴³ culturally⁴⁴ were quite different from their neighbouring unit, they could not in any way be attached with the cultural Unit of Jammu.⁴⁵ While stressing that it must be given the status of a separate cultural unit,⁴⁶ like Jammu and Ladakh, they demanded the state to be divided into as many as five cultural units ...

Kashmir, Jammu, Poonch, Rajouri, Ladakh and Doda⁴⁷ in the future constitutional setup of J&K State. Each such unit, legally, having equal status enjoy autonomy in the conduct of their internal affairs including maintenance of law and order within their own limits.⁴⁸

The regional tension is also supposed to have provoked prominent Kashmiri leader Mr. G.M. Karra to form the first secessionist party, Political Conference, in Kashmir after 1947.

The State Government lost no time in implementing those provisions of the agreement which aimed at autonomy. Monarchy was abolished,⁴⁹ and Yuvaraj Karan Singh was elected as Sadar-e-Riyast.⁵⁰ Sheikh Abdullah was accused of ignoring those sections which confirmed Kashmir's ties with India⁵¹ and provided constitutional safeguard for Jammu and Ladakh as agreed by him. Meanwhile differences spread in his Cabinet and the working committee in regard to the interpretation and implementation of the Delhi Agreement.⁵² But Sheikh Abdullah pointed out that neither he nor the smallest worker of the National Conference had said one word in violation of the Delhi Agreement.⁵²

The Praja Parishad adopted the eight point programme for Satyagrah⁵³ the details of which were settled by Pt. P.N. Dogra and Dr. S.P. Mukherji at Jallandhar during Punjab Jana Sangh session on Nov. 8, 1952. On November 21, ~~Rux~~ Pt. P.N. Dogra and Sham Lal were arrested and the agitation started.⁵⁴

The movement assumed serious proportions and its repercussions were felt outside the state also. "Anti-Kashmiri feelings in Jammu developed anti-Muslim overtones, while anti-Jammu reactions in the valley tended to become anti-Hindu and hostile to rest of the country."⁵⁵ Finally the three parties of India Jana Sangh, Ram Rajaya Parishad and Hindu Maha Sabha merged together in a bid to organise the movement in Delhi proper.⁵⁶ Dr. S. P. Mukherji entered into a long correspondence⁵⁷ with Pt. Nehru and Sheikh Abdullah but nothing substantial came out. At later stage Dr. Mukherji even went to the extent of accepting Delhi-Agreement to withdraw the agitation provided all Praja Parishad workers were released and its leaders were invited to a Conference. But the offer was not responded.

A chain of multiple reactions had allowed Sheikh's attitude towards Jammu: The agitation of the Praja Parishad, the role of its sympathetic organisations in India, its reactions in the valley and their counter-reactions in India, the planned process of precipitating a conflict between "Kashmir Nationalism" and "Dogra Nationalism" and Ladakh and Doda's demand for the internal autonomy had created conditions favourable for the disintegration of the state and disruption of the unity of its people. Moreover, the relations between the two Governments (Government of India and the Government of J&K) and opposition groups in the state further deteriorated. Sheikh

Abdullah was prepared to make some concessions to the separatists in Jammu and Ladakh. The Basic Principle Committee of the Constituent Assembly was thus instructed to study the idea of extending autonomy to each province of the state. The State C.A. was therefore, busy in drafting the constitution on a fully Democratic basis.

The broad outlines had been drawn up and discussed at length by the working committee of National Conference in 2nd week of May 1953.⁵⁸ The committee asserted again that the relationship of the state with Indian Union would be based on the instrument of Accession of 1947, Art. 370 and Indo-Kashmir Agreement of 1952. It was further proposed that the state would be divided into five units on cultural and linguistic line, each unit enjoying certain measures of autonomy strictly relating to internal administration.⁵⁹

According to one version the scheme of regional autonomy was on the following lines-"Three provinces, namely Kashmir, Jammu and Poonch-Rajouri were to have each as executive head a Council of Ministers responsible to the Provincial Legislatures. As far as Ladakh and Gilgit matters, they were proposed to be administered by Regional Councils. Authority might be given under the State Constitution to the State legislatures to increase or decrease the area of these autonomous units or establish new units.

Broadcasting from Radio Kashmir, Srinagar on April 17th, 1953, the State Prime Minister, Sheikh Mohd Abdullah said,⁶⁰ "we have decided to give autonomy

to the different cultural units of the state as will be provided in the Constitution that is being drawn up. This will remove all the fears of domination of one unit over the other and will make for the voluntary union of the people of the state.⁶¹

Joseph Karbel defined⁶² the cultural units as "The valley, Jammu, Gilgit, Ladakh and region consisting of the districts of Mirpur, Rajouri, Poonch and Muzzafrabad".

The idea seemed to be that a measure of autonomy in their internal affairs, would remove the fears of each of these units and would provide a moral natural and concommunal impetus for a sense of belonging and political participation. Such a sense of belonging alone could effectively counter the appeal for secession in the valley or of communalism in Jammu - "only this can ensure their unity and contribute to the development of a sentiment of genuine Indian Nationhood in this vital part of the country."⁶³

We, thus, find that certain forces within and outside the state interacted and caused some sort of polarisation among the various stand-points. The Jammu interactionists were never completely reconciled to the State's accession to India in the three subjects along the special status of Kashmir under article 370 of the Constitution of India, the Delhi Agreement of 1952 and even the proposal to give autonomy to the

different cultural units of the state were unacceptable to the Praja Parishad. Their search for security induced them to agitate for a highly unified Constitution with one Constitution, one President and one Flag for the whole of the country. The formation of the separate Consembly for the state, its own Sadar-i-Riyasat as the head, a separate emblem and a separate flag were, therefore, counter to their concept of a strong centre.

The stands of even the national level parties happened to be confused and contributed to uncertainty about the shape of things to come. All this created a sharp reaction and uncertainty in Kashmir.

Pakistan, on the other hand, while taking advantage of this new situation tried to misinterpret the then emerging public opinion on Kashmir as chauvinistic and to exploit the parochial sentiments of the Dogra Nationalism as well as the religious feelings of the Kashmiris. This was intended to intensify their sense of insecurity and to create doubts in their minds as to whether India would stay secularist after Nehru's death.

All this created political instability, suspense, uncertainty and economic stress. There was also an apprehension that the Kashmiri leaders might get alienated from the popular support in the valley and therefore they started more assertive attitude.

Under these compelling circumstances Working Committee of the National Conference appointed 8 members committee, in May 1953,⁶⁴ to explore avenues of an honourable settlement of the accession issue.⁶⁵ The Sub-committee, at its final session, held on 9th June 1953 adopted the following proposals as possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan.⁶⁶

- a) Overall plebiscite with conditions as detailed in the minutes of the meeting dated 4.6.53.⁶⁷
- b) Independence of the whole state with joint Indo-Pak control of foreign affairs and defence.
- c) Dixon plan with independence for the plebiscite area.

Then followed a period of studied inactivity and deliberate side-tracking of the main issue completing the constitution.⁶⁸

Meanwhile by the sudden death of Dr. S.P. Mukherji, the President of the Akhil Bharatiya Jana Sangh and the leader of the opposition in the Indian Parliament, on 23rd June, 1953, in detention at Srinagar, the whole of North India was plunged in profound grief and submerged by a kind of anti-Nehru and Anti-Abdullah wave. Praja Parishad refused to believe that death occurred in natural circumstances.⁷⁰

But while explaining his innocence in this matter, Sheikh Abdullah pointed out.⁷¹

"Dr. Mukherji was a friend of mine and I had a great regard for him. Bakshi Ghulam Mohd held the portofilio of Home Affairs and Shyam Lal Saraf the portofolio of Health and Jails I could establish contact with Dr. Mukherji only through them. I did not even get authentic reports about his health from these people and I received the news of his death quite unexpectedly one morning". The rumblings of similar reactions were also heard in the Frontier District of Ladakh.⁷²

Events thereafter followed each other in such rapid succession that one often missed the link between them.

Simultaneously there were inflammatory reports that Sheikh Mohd. Abdullah was thinking to declare Kashmir as Independent, the idea of which was said to be mooted by American statesmen, Mr. and Mrs. Henderson⁷³ Stevenson, during his visit to Kashmir in May 1953, reportedly promised American support to the move.⁷⁴ Such reports again threatened to disintegrate J&K and to make it a pawn in international power politics.⁷⁵ However, Sheikh Abdullah pointed out that the charge of planning to declare Kashmir independent was completely baseless.⁷⁶ Moreover, when Sadiq Ali and Madhi Limaye during their visit to the state in 1954, "asked the leading spokesmen of the party (National Conference) and the Government, whether they had any documents in their possession which proved that Sheikh was in secret collaboration with Americans for carving out an independent Kashmir valley, they all denied that they had any such documentary proofs."⁷⁶ The tragedy was that

Sheikh Abdullah was misunderstood and his urge for maximum autonomy for the state was just taken for independence.

An open rift in the camp of National Conference suddenly developed. In a cabinet of five members only Mirza Mohd. Afzal Beg continued to support Sheikh Mohammad Abdullah who decided to call a meeting of the Working Committee and General Council of the National Conference on 24th August and 26th August, 1953 respectively to endorse his new line and desired to make public his latest stand on 21st August, 1953 The Idd Day.⁷⁷

The scene was now complicated enough to climax the tragic drama of Kashmir. On August 7th, 1953, three members of the cabinet led by Bakshi, accused Abdullah in a memorandum, sent to Sadar-Riyasat, of making arbitrary decisions, of being responsible for deterioration in the administration, nepotism, inefficiency and wanton wastage of public resources and alleged that the cabinet had lost the confidence of the people.⁷⁸ Sheikh Abdullah was summoned by the Sadar-i-Riyasat who suggested an emergency meeting of the cabinet for free and frank discussion at the palace.⁷⁹ But he refused and left for Gulmarg to spend the weekend.⁸⁰

On the other hand, the Congress leadership and the leadership of National Conference in State too, which had an identity in their approaches and adopted a similarity of views and strategies with regard to the politics of Government in pre-indepen-

dence , were then unable to adjust their political objectives and coordinate their political operations. Underneath the stable political facade there was a marked simmering discontent and disappointment at each other's performance.⁸¹

Thus "many birds were killed with the single stone of dismissal and subsequent arrest of Sheikh Abdullah".⁸² But Sheikh Abdullah's political "martyrdom" on 9th August made him a popular ~~man~~ hero of Kashmir once again.

The fateful crisis of 1953 was therefore, logically the result of inter-regional tensions in particularly represented by Praja Parishad agitation of 1952-53, the motivational variations arising out of varied political considerations and failure of National leadership at various levels to reconcile divergent regional and Kashmir aspirations and claims as well the demands of national interests.

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 3. "According to Craig Baxter, "The Praja Parishad was founded in November 1947, in Jammu and like Jana Sangh was built on R.S.S. base. The First President was Hari Wazir and the Gen.Secty. was Madhok. Wazir was succeeded by Lala Roop Chand Nanda. Nanda was arrested in 1949, The Parishad

began an agitation against the Government headed by Sheikh Mohd. Abdullah which was withdrawn when Abdullah agreed to release Nanda. Nanda resigned the Presidency and withdrew from Political Activity. His successor as President was Pt. Prem Nath Dogra.

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6. Deendayal Upadhaya, Presidential Address, Calicut, December, 1967.
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8. A Statesment issued by Pt. Prem Nath Dogra, at a press conference held in New Delhi on 6th Oct. 1951, Praja Parishad Files, Jana Sangh Office, Jammu.
(ii) Praja Parishad stand explained-A Pamphlet issued by Durga Dass Verma, General Secretary The all J&K Praja Parishad, Jammu year unknown, pp. 8-14.
(iii) A plea to understand Praja Parishad - A Pamphlet issued by publicity secretary, The All J&K Praja Parishad, p.8.
9. A statement issued by Pt. Prem Nath Dogra - to the press at Delhi on 6th October, 1951, mentioned the adoption of the following irregularities:
1. Not holding elections in the provinces of Kashmir and Jammu simultaneously. 2. Irregular Delimitation; 3.No general seat in three constitutncies; 4.Out of the way polling stations; 5. 41 out of 65 nominations of Praja Parishad candidates being rejected on most flimsy grounds; 6. Favour towards the National Conference candidates; and 7. Official interference.

10. The General Secretary of All J&K Praja Parishad in a letter to State Election Commissioner dated 5th October 1951 made similar complaints pp. Files, Jammu office.
11. Resolution adopted by working Committee of all J&K Praja Parishad dated 22nd Sept. 1951, Jana Sangh, Files, Jammu Office.
12. A telegram to Prime Minister of India - dt. 9th Oct. 1951. Jana Sangh files, Head office, Jammu.
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22. The Hindustan Times of 10th April 1952.
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PRAJA PARISHAD AGITATION OF 1952
ITS CAUSES AND INTER-CONNECTION
BETWEEN INDIAN FEDERATION PROCESS
AND INTER-REGIONAL RELATIONS

*
Dr. Vidya Bhushan

The all Jammu and Kashmir Praja Parishad, being essentially a reaction to the aggressive trends in the local nationalism of Kashmir, a protest of a region which felt politically ignored and condemned,¹ result of regional nationalism, a regional and a largely Hindu dominated party was found² in 1947. Hindu Dogras had a sense of insecurity as a minority community in the State. Representing their apprehensions, Praja Parishad sought security in the retention of the Institution of the Maharaja as a Constitutional head of the state. For the same reason they favoured closer ties between the State and Indian Union and abrogation of Article 370 which conferred a Special Status on the state. It rejected, outrightly a separate Consenbly,³ separate emblem and separate flag for the state and the Institution of 'Sadar-i-Rayasat' and demanded the application of Indian Constitution in its entirety,⁴ like Jana Sangh, its policy too was influenced by the ideology of AKHAND BHART and regarded the accession of the State to the Union as final, complete, legally valid and beyond question.⁵ The Party believed in the concept of India as a strong Unitary State.⁶

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The Party which had previously criticised the convening of Consenbly to draft separate constitution for the state decided to contest the elections and demanded representation in Delimitation Committee.⁷

Soon after the party leadership charged the National Conference and its Government of commission of malafide tactics,⁸ number of irregularities⁹ and dubious methods¹⁰ in Jammu Elections and gave an ultimatum¹¹ and ultimately bycotted the elections under protest.¹² This gave rise to the Prashid war cry:

Ek Desh do Vidha -In one country two Constitutions

Ek Desh men do Nishan -In one country two Flags;

Ek Desh men do Pradhan-In one countrytwo Prime Ministers;

Nahin Chalengay! Nahin Chalengay - Will not be tolerated;¹³

A minor incident over the protest of a few students against hoisting a National Conference Flag in G.G.M. College on 15th January 1962¹⁴ touched off the conflagration.¹⁵ The incident led to penalisation of the students¹⁶ Students hunger strike.¹⁷ Violence,¹⁸ Police lathi charge, firing,¹⁹ partial paralisation of administrative machinery in Jammu city, intervention of the Military and imposition of 72 hours curfew under its cover, the entire leadership of Praja Parishad was arrested as the Government charged that the demonstration was organised and inspired by the Praja Parishad.²⁰ There was a sharp reaction in the State as well as rest of India.²¹ On the intervention of Mr. N.G. Ayyangar, the then Minister of State

of India, who visited Jammu in April 1952 to study the situation and cool passions,²² they were released. But it left trail of bitterness.

Meanwhile Mirza Mohd. Afzal Beg the then Chairman of the Basic Principles Committee pointed out in the Constituent Assembly on March 24, 1952 that the State of Jammu and Kashmir would be "an autonomous Republic within the Indian Union, with a separate President, National Assembly, Judiciary, Regional Autonomy and separate citizenship."²³ Beg's statement was deeply resented not only in Jammu but also in Ladakh and rest of India and created serious apprehensions about the credibility of the leaders of Kashmir.

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Officially, a deputation³⁵ of Kashmiri leaders was summoned in Delhi on 12-6-1952³⁶ and held a series of discussion. Sheikh Mohd Abdullah also joined them on July 1952.³⁷ All this resulted in Delhi Agreement, 1952.³⁸ The Praja Parishad was of the view that Agreement was another surrender at the alter of communal intransigence and separation of Sheikh Mohd. Abdullah "A Fraud on India people and an Attack on Indian Constitution."³⁹ Pt. Prem Nath Dogra declared that Praja Parishad would launch a Satyagarch if the Agreement was enforced."⁴⁰

The Parishad movement caused an adverse reaction in Doda District of Jammu also. A section of its inhabitants led by Goni being much agitated,⁴¹ emphasised that if they had peculiar local problems⁴² and historically, geographically,⁴³ culturally⁴⁴ were quite different from their neighbouring unit, they could not in any way be attached with the cultural Unit of Jammu.⁴⁵ While stressing that it must be given the status of a separate cultural unit,⁴⁶ like Jammu and Ladakh, they demanded the state to be divided into as many as five cultural units ...

Kashmir, Jammu, Poonch, Rajouri, Ladakh and Doda⁴⁷ in the future constitutional setup of J&K State. Each such unit, legally, having equal status enjoy autonomy in the conduct of their internal affairs including maintenance of law and order within their own limits.⁴⁸

The regional tension is also supposed to have provoked prominent Kashmiri leader Mr. G.M. Karra to form the first secessionist party, Political Conference, in Kashmir after 1947.

The State Government lost no time in implementing those provisions of the agreement which aimed at autonomy. Monarchy was abolished,⁴⁹ and Yuvaraj Karan Singh was elected as Sadar-e-Riyast.⁵⁰ Sheikh Abdullah was accused of ignoring those sections which confirmed Kashmir's ties with India⁵¹ and provided constitutional safeguard for Jammu and Ladakh as agreed by him. Meanwhile differences spread in his Cabinet and the working committee in regard to the interpretation and implementation of the Delhi Agreement.⁵² But Sheikh Abdullah pointed out that neither he nor the smallest worker of the National Conference had said one word in violation of the Delhi Agreement.⁵²

The Praja Parishad adopted the eight point programme for Satyagrah⁵³ the details of which were settled by Pt. P.N. Dogra and Dr. S.P. Mukherji at Jalandhar during Punjab Jana Sangh session on Nov. 8, 1952. On November 21, ~~But~~ Pt. P.N. Dogra and Sham Lal were arrested and the agitation started.⁵⁴

The movement assumed serious proportions and its repercussions were felt outside the state also. "Anti-Kashmiri feelings in Jammu developed anti-Muslim overtones, while anti-Jammu reactions in the valley tended to become anti-Hindu and hostile to rest of the country."⁵⁵ Finally the three parties of India Jana Sangh, Ram Rajaya Parishad and Hindu Maha Sabha merged together in a bid to organise the movement in Delhi proper.⁵⁶ Dr. S. P. Mukherji entered into a long correspondence⁵⁷ with Pt. Nehru and Sheikh Abdullah but nothing substantial came out. At later stage Dr. Mukherji even went to the extent of accepting Delhi-Agreement to withdraw the agitation provided all Praja Parishad workers were released and its leaders were invited to a Conference. But the offer was not responded.

A chain of multiple reactions had allowed Sheikh's attitude towards Jammu: The agitation of the Praja Parishad, the role of its sympathetic organisations in India, its reactions in the valley and their counter-reactions in India, the planned process of precipitating a conflict between "Kashmir Nationalism" and "Dogra Nationalism" and Ladakh and Doda's demand for the internal autonomy had created conditions favourable for the disintegration of the state and disruption of the unity of its people. Moreover, the relations between the two Governments (Government of India and the Government of J&K) and opposition groups in the state further deteriorated. Sheikh

Abdullah was prepared to make some concessions to the separatists in Jammu and Ladakh. The Basic Principle Committee of the Constituent Assembly was thus instructed to study the idea of extending autonomy to each province of the state. The State C.A. was therefore, busy in drafting the constitution on a fully Democratic basis.

The broad outlines had been drawn up and discussed at length by the working committee of National Conference in 2nd week of May 1953.⁵⁸ The committee asserted again that the relationship of the state with Indian Union would be based on the instrument of Accession of 1947, Art. 370 and Indo-Kashmir Agreement of 1952. It was further proposed that the state would be divided into five units on cultural and linguistic line, each unit enjoying certain measures of autonomy strictly relating to internal administration.⁵⁹

According to one version the scheme of regional autonomy was on the following lines-"Three provinces, namely Kashmir, Jammu and Poonch-Rajouri were to have each as executive head a Council of Ministers responsible to the Provincial Legislatures. As far as Ladakh and Gilgit matters, they were proposed to be administered by Regional Councils. Authority might be given under the State Constitution to the State legislatures to increase or decrease the area of these autonomous units or establish new units.

Broadcasting from Radio Kashmir, Srinagar on April 17th, 1953, the State Prime Minister, Sheikh Mohd Abdullah said,⁶⁰ "we have decided to give autonomy

to the different cultural units of the state as will be provided in the Constitution that is being drawn up. This will remove all the fears of domination of one unit over the other and will make for the voluntary union of the people of the state.⁶¹

Joseph Karbel defined⁶² the cultural units as "The valley, Jammu, Gilgit, Ladakh and region consisting of the districts of Mirpur, Rajouri, Poonch and Muzzafrabad".

The idea seemed to be that a measure of autonomy in their internal affairs, would remove the fears of each of these units and would provide a moral natural and concommunal impetus for a sense of belonging and political participation. Such a sense of belonging alone could effectively counter the appeal for secession in the valley or of communalism in Jammu - "only this can ensure their unity and contribute to the development of a sentiment of genuine Indian Nationhood in this vital part of the country."⁶³

We, thus, find that certain forces within and outside the state interacted and caused some sort of polarisation among the various stand-points. The Jammu interactionists were never completely reconciled to the State's accession to India in the three subjects along the special status of Kashmir under article 370 of the Constitution of India, the Delhi Agreement of 1952 and even the proposal to give autonomy to the

different cultural units of the state were unacceptable to the Praja Parishad. Their search for security induced them to agitate for a highly unified Constitution with one Constitution, one President and one Flag for the whole of the country. The formation of the separate Consembly for the state, its own Sadar-i-Riyasat as the head, a separate emblem and a separate flag were, therefore, counter to their concept of a strong centre.

The stands of even the national level parties happened to be confused and contributed to uncertainty about the sahpe of things to come. All this created a sharp reaction and uncertainty in Kashmir.

Pakistan, on the other hand, while taking advantage of this new situation tried to misinterpret the then emerging public opinion on Kashmir as chauvinistic and to exploit the parochial sentiments of the Dogra Nationalism as well as the religious feelings of the Kashmiris. This was intended to intensify their sense of insecurity and to create doubts in their minds as to whether India would stay secularist after Nehru's death.

All this created political instability, suspense, uncertainty and economic stress. There was also on apprehension that the Kashmiri leaders might get alienated from the popular support in the valley and therefore they started more assertive attitude.

Under these compelling circumstances Working Committee of the National Conference appointed 8 members committee, in May 1953,⁶⁴ to explore avenues of an honourable settlement of the accession issue.⁶⁵ The Sub-committee, at its final session, held on 9th June 1953 adopted the following proposals as possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan.⁶⁶

- a) Overall plebiscite with conditions as detailed in the minutes of the meeting dated 4.6.53.⁶⁷
- b) Independence of the whole state with joint Indo-Pak control of foreign affairs and defence.
- c) Dixon plan with independence for the plebiscite area.

Then followed a period of studied inactivity and deliberate side-tracking of the main issue completing the constitution.⁶⁸

Meanwhile by the sudden death of Dr. S.P. Mukherji, the President of the Akhil Bharatiya Jana Sangh and the leader of the opposition in the Indian Parliament, on 23rd June, 1953, in detention at Srinagar, the whole of North India was plunged in profound grief and submerged by a kind of anti-Nehru and Anti-Abdullah wave. Praja Parishad refused to believe that death occurred in natural circumstances.⁷⁰

But while explaining his innocence in this matter, Sheikh Abdullah pointed out.⁷¹

"Dr. Mukherji was a friend of mine and I had a great regard for him. Bakshi Ghulam Mohd held the portofillio of Home Affairs and Shyam Lal Saraf the portofolio of Health and Jails I could establish contact with Dr. Mukherji only through them. I did not even get authentic reports about his health from these people and I received the news of his death quite unexpectedly one morning". The rumblings of similar reactions were also heard in the Frontier District of Ladakh.⁷²

Events thereafter followed each other in such rapid succession that one often missed the link between them.

Simultaneously there were inflammatory reports that Sheikh Mohd. Abdullah was thinking to declare Kashmir as Independent, the idea of which was said to be mooted by American statesmen, Mr. and Mrs. Henderson⁷³ Stevenson, during his visit to Kashmir in May 1953, reportedly promised American support to the move.⁷⁴ Such reports again threatened to disintegrate J&K and to make it a pawn in international power politics.⁷⁵ However, Sheikh Abdullah pointed out that the charge of planning to declare Kashmir independent was completely baseless.⁷⁶ Moreover, when Sadiq Ali and Madhi Limaye during their visit to the state in 1954, "asked the leading spokesmen of the party (National Conference) and the Government, whether they had any documents in their possession which proved that Sheikh was in secret collaboration with Americans for carving out an independent Kashmir valley, they all denied that they had any such documentary proofs."⁷⁷⁷⁶ The tragedy was that

Sheikh Abdullah was misunderstood and his urge for maximum autonomy for the state was just taken for independence.

An open rift in the camp of National Conference suddenly developed. In a cabinet of five members only Mirza Mohd. Afzal Beg continued to support Sheikh Mohammad Abdullah who decided to call a meeting of the Working Committee and General Council of the National Conference on 24th August and 26th August, 1953 respectively to endorse his new line and desired to make public his latest stand on 21st August, 1953 The Idd Day. ⁷⁸ ~~77~~ 8

The scene was now complicated enough to climax the tragic drama of Kashmir. On August 7th, 1953, three members of the cabinet led by Bakshi, accused Abdullah in a memorandum, sent to Sadar-Riyasat, of making arbitrary decisions, of being responsible for deterioration in the administration, nepotism, inefficiency and wanton wastage of public resources and alleged that the cabinet had lost the confidence of the people. ⁷⁹ ~~78~~ Sheikh Abdullah was summoned by the Sadar-i-Riyasat who suggested an emergency meeting of the cabinet for free and frank discussion at the palace. ⁸⁰ ~~79~~ But he refused and left for Gulmarg to spend the weekend. ⁸⁰

On the other hand, the Congress leadership and the leadership of National Conference in State too, which had an identity in their approaches and adopted a similarity of views and strategies with regard to the politics of Government in pre-indepen-

dence , were then unable to adjust their political objectives and coordinate their political operations. Underneath the stable political facade there was a marked simmering discontent and disappointment at each other's performance.⁸²

Thus "many birds were killed with the single stone of dismissal and subsequent arrest of Sheikh Abdullah".⁸² But Sheikh Abdullah 's political "martyrdom" on 9th August made him a popular ~~hero~~ hero of Kashmir once again.

The fateful crisis of 1953 was therefore, logically the result of inter-regional tensions in particularly represented by Praja Parishad agitation of 1952-53, the motivational variations arising out of varied political considerations and failure of National leadership at various levels to reconcile divergent regional and Kashmir aspirations and claims as well the demands of national interests.

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"According to Craig Baxter,"The Praja Parishad was founded in November 1947, in Jammu and like Jana Sangh was built on R.S.S. base. The First President was Hari Wazir and the Gen.Secty. was Madhok. Wazir was succeeded by Lala Roop Chand Nanda. Nanda was arrested in 1949, The Parishad

began an agitation against the Government headed by Sheikh Mohd. Abdullah which was withdrawn when Abdullah agreed to release Nanda. Nanda resigned the Presidency and withdrew from Political Activity. His successor as President was Pt. Prem Nath Dogra.

3. Jammu Rejects A separate Constitution for J&K State. A pamphlet published by the All J&K Praja Parishad, year unknown.
4. Ibid.
5. Programme - A pamphlet, published by the All J&K Praja Parishad Jammu, year unknown pl.
6. Deendayal Upadhaya, Presidential Address, Calicut, December, 1967.
7. The Hindustan Times, 9th May, 1951.
8. A Statesment issued by Pt. Prem Nath Dogra, at a press conference held in New Delhi on 6th Oct. 1951, Praja Parishad Files, Jana Sangh Office, Jammu.
(ii) Praja Parishad stand explained-A Pamphlet issued by Durga Dass Verma, General Secretary The all J&K Praja Parishad, Jammu year unknown, pp. 8-14.
(iii) A plea to understand Praja Parishad - A Pamphlet issued by publicity secretary, The All J&K Praja Parishad, p.8.
9. A statement issued by Pt. Prem Nath Dogra - to the press at Delhi on 6th October, 1951, mentioned the adoption of the following irregularities:
1. Not holding elections in the provinces of Kashmir and Jammu simultaneously. 2. Irregular Delimitation; 3.No general seat in three constitutncies; 4.Out of the way polling stations; 5. 41 out of 65 nominations of Praja Parishad candidates being rejected on most flimsy grounds; 6. Favour towards the National Conference candidates; and 7. Official interference.

10. The General Secretary of All J&K Praja Parishad in a letter to State Election Commissioner dated 5th October 1951 made similar complaints pp. Files, Jammu office.
11. Resolution adopted by working Committee of all J&K Praja Parishad dated 22nd Sept. 1951, Jana Sangh, Files, Jammu Office.
12. A telegram to Prime Minister of India - dt. 9th Oct. 1951. Jana Sangh files, Head office, Jammu.
13. Madhok, Balraj: Kashmir Centre of New Alignment: Deepak Parkashan New Delhi - 1963, p.24.
14. The Jammu Disturbances: Feb. 1952, Ministry of Information and Broadcasting, J&K Govt. year unknown, p.1.
15. *Ibid.*
16. The Hindu (Madras), 5th March 1952.
17. A case for An open Enquiry publicity Deptt. the All J&K Praja Parishad, year unknown, p.1.
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19. Ibid.
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21. i) The Resolution of the working Committee of the Akhal Bharatiya Hindu Maha Sabha of its, 2nd March 1952, ii) Shri Shibban Lal Sexena's speech in parliament on March 3rd, 1952.
22. The Hindustan Times of 10th April 1952.
23. C.A. Deb. Vol. II, No.1 of 23-2-1952, pp.3-4.
24. The Statesman, dt. 25-3-1952.
25. The Statesman dt. 12-4-1952.
26. The Hindustan Times of 26-4-1952.

27. Ibid.
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29. Speech of Sh. N.C.Chatterjee M.Z. in the House of People, dt. 20.5.1952.
30. C.A. Deb, Vol.III, No.1, dt. 7-6-1952,p.29.
31. C.A. Deb.,Vol.III, dt. 12-6-1952.
32. A statement issued by Pt. P.N.Dogra,president of all J&K Praja Parishad dt.12.6.1952.
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35. The Times of India, dt. 23-6-1952.
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39. Nehru-Abdullah Pact the unholy Agreement and Fraud, pp. Jammu pp.2-3-
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50. The Hindustan Standard 15th Nov., 1952.
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59. Hindustan standard Delhi 27th May 1955.
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72. Winer, Myron, State Politics in India, Chicago 1968, pp.220-22.
73. Vigil, op.cit, Feb. 13, 1933, p.5.
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that even this proposal was the mastermind of the top communists in the State. They were of the view that this idea had been borrowed from the Stalin Constitution of 1935.²⁰⁶

CONSTITUTIONAL CRISIS OF 1953

Inspite of the fact that Sheikh Mohammad Abdullah lost no time in implementing only those provisions of Delhi Agreement of 1952 which aimed at greater state autonomy, yet the National Conference had started losing its hold among Kashmiri masses. On the other hand in collaboration with the Jana Sangh the Praja Parishad (both rightist parties) denounced the Delhi Agreement and demanding total merger of the State with Indian Union. It launched a agitation for the abrogation of Art. 370 and the application of the Constitution of India to the State in its entirety. Moreover during his public utterances at R.S. Pura, Ganderbal and Khanyar Sheikh Abdullah said, openly since India and Pakistan had agreed that people of Kashmir

206. Interview with Mohammad Yusuf Dar.

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were competent to decide about their fate and future, time had come when they should get the right to decide their future whether they would accede to India or to Pakistan or adopt any other course.²⁰⁷ His speeches for

re-examination of the relations between India and Kashmir

had created virbial panic not only in the State but in India too. As a result the relations between Sheikh

Mohammad Abdullah and New Delhi started getting under more strains. It was said that he was thinking to

declare Kashmir as independent, the idea of which was

said to have mooted by Mr. and Mrs. Henderson and Stevenson, during their visit to Kashmir in May 1953.²⁰⁸

Actually in November, 1952, Eisenhower was elected the President of USA, with John Foster Dulles as

his Secretary of State. A period of aggressive foreign policy marked this change. Soon after Dulles, Harold

Stassen and Adlai Stevenson planned their visit to

India. Early in May, 1953, Stevenson came to Srinagar

and met Sheikh Abdullah on 1st, 2nd and 3rd May. During

his stay at Srinagar, he seemed to have listened to

1. Sonanullah Butt, p. 52, op.cit., n. 29, Ch. VII.

2. Joseph Korb, p. 237, op.cit., n. 200 Ch. VII

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suggestions that the best status for Kashmir could be independence both from India and Pakistan.^{3 209}

Another version was that in his last meeting with Sheikh which lasted for seven hours a suggestion for independence of Kashmir as another alternative solution of Kashmir was mooted. This led some people in India to be afraid that Sheikh Abdullah might be planning to enter on his own relations with Washington.^{4 210} Immediately after his meeting with Stevenson, Sheikh Abdullah called a party meeting and confided them that he had shifted from his earlier stand viz., limited accession with India.^{5 211} Even Pt. Nehru visited Srinagar in the spring of 1953 to mitigate the differences between Sheikh Abdullah and Indian Govt. but he also did not succeed.^{6 212}

Under these compelling circumstances a special session of the working committee of the National Conference was called at Srinagar residence of Sheikh Mohd. Abdullah in May, 1953.^{7 213} One of the three main

209. A.G. Noorani, The Communists Role in Kashmir, op.cit.
210. Ibid.
211. N.N. Raina, p. 220, op.cit., n. 18, Ch. VII.
212. Sonanullah Butt, p. 52, op.cit., n. 29, Ch. VII.
213. Vidya Bhushan, p. 187, op.cit., n. 25, Ch. VII.

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issues which came up for discussion was "the political situation vis-a-vis Indo-Pak dispute over Kashmir." ²¹⁴ ~~the~~ Committee after a prolonged discussion came to the unanimous conclusion that the internal stability of the state was impossible so long as international settlement on the final affiliation of the State was not achieved. ²¹⁵ It accordingly appointed an 8-man sub-committee, ²¹⁶ to explore avenues of an honourable settlement of the issue. The Sub-Committee at its final session, held on 9th June, 1953, adopted the following proposals as possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan. ²¹⁷

- a/ Overall plebiscite with conditions as detailed in the minutes of the meeting dated 4.6.1953.
- b/ Independence of the whole State.
- c/ Independence of the whole State with joint Indo-Pak control of foreign affairs and defence.

214. Ibid.

215. Ibid.

216. Jyoti Bhushan Das Gupta, p. 206, op.cit., n. 12, Ch. II.

The eight members were :-

- | | |
|------------------------|----------------------|
| 1. Sheikh Abdullah | 2. Maulana Masoodi |
| 3. Bakshi Ghulam Mohd. | 4. M.A. Beg |
| 5. G.M. Sadiq | 6. Sardar Budh Singh |
| 7. G.L. Dogra | 8. S.L. Saraf. |

217. Vidya Bhushan, p. 188, op.cit., n. 25, Ch. VII.

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d/ Dixon plan with independence for the plebiscite area.

Then followed a period of studied inactivity and deliberate side-tracking of the main issue of completing the constitution. 19. 218

? The Working Committee, however, reflected his intentions. 13. 219 This ultimately resulted in an open rift in the Cabinet and the National Conference. After this he started rousing the people with communal sentiments against accession of Kashmir to India. On June 26, he impressed upon National Conference workers that they had made it clear that Kashmir would refuse to become appendage of India or Pakistan, that the basis of India-Kashmir relationship had been shaken. On July 13, 1953 - the Martyrs' Day - he declared that Kashmir's position was such that it should have the sympathy of both India and Pakistan. Therefore, they had to seek such a solution which would be honourable to Kashmir and acceptable to these countries. He repeated that it was not necessary that their State should become appendage of either India or Pakistan. He said that he did not want unity between Kashmir and India alone, but between

218. Ibid.
219. N.N. Raina, p. 220, op.cit., n. 18, Ch. VII.

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¹⁴
Kashmir India and Pakistan. ²²⁰

On July 31, 1953, Sheikh Abdullah while ^{speaking} ~~saying~~ to peasants at Ganderbal stressed that both India and Pakistan were their neighbours and were ^{situated} ~~situated~~ on their borders. It was natural that the progress and betterment of Kashmir should be dependent on their goodwill. They should have the friendship of both. Only then could they live a life of honour. It ^{would} not augur well for the Kashmiri people to be ^{unfriendly} ~~unfriendly~~ to India or Pakistan or both. ¹⁵ ²²¹

On the other hand Foster Dulles, during his ^{visit} to India and Pakistan, had put forward a plan for a zonal division of Kashmir with a zone each going to India and Pakistan, the valley being either internationalized for a certain period till a plebiscite was held under U.N. control or being ruled by a semi-independent government. A map illustrating the plan was ^{also} ~~also~~ published. ¹⁶ ²²²

An open rift in the camp of N.C. suddenly developed. In a Cabinet of 5 members only Mirza Mohd.

220. Ibid.

221. Ibid.

222. The New York Times, July 5, 1953.

Afzal Beg continued to support Sheikh Abdullah who decided to call a meeting of the Working Committee and General Council of the N.C. on 24th August and 26th August, 1953 respectively to endorse his new line and desired to make public his latest stand on 21st Aug. 1953 - the Id Day.^{is} 223

A large number of National leaders, friends, sympathizers of Kashmiri people apart from Maulana Abul Kalam Azad visited Srinagar and tried to persuade Sheikh Abdullah to take a broader view of the Kashmir question, especially in a period of American drive for war and world domination, but all in vain. The divergence in the outlook at the leadership levels was confirmed by Maulana Mohd. Sayeed in his statement to press on 6th Aug. 1953.

The climax of tragic drama came on 8th August, 1953 when Sheikh Abdullah's ministry was dismissed & Bakshi Ghulam Mohd. was asked to form a new ministry.

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223. i/ Jyoti Bhushan Dass Gupta, p. 207, op.cit., n. 12, Ch. II.
ii/ Jammu & Kashmir Chronicle (Magazine) Feb. 1976, pp. 10-12. B.P. Sharma's article "New Light on Sheikh Abdullah's Arrest", published by Shri B.P. Sharma.

In the early hours of 9th Aug. 1953, Sheikh Abdullah was arrested and was given a letter of dismissal along with another letter signed by G.M. Bakshi, S.L. Saraf and A.L. Dogra indicating that they all had lost confidence in his leadership. Mr. M.A. Beg together with 33 leaders of the N.C. were also arrested on 9th-10th August under the Public Security Act.¹⁸ 224

Thus, "many birds were killed with the single stone of dismissal and arrest of Sheikh Abdullah." Pt. Nehru was again riding on the crest of a popular wave.¹⁹ 225 But Sheikh Abdullah's political martyrdom on 9th August had made him a popular hero of Kashmir once again. In fact, the crisis of 1953 was the result of the motivational variations arising out of varied political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations.²⁰ 226

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that.

The rightist parties in Jammu which were never completely reconciled to the limited state accession to India, the special status of Kashmir as envisaged in

224. Jyoti Bhushan Das Gupta, p. 208, op.cit., n.12, Ch. II.

225. A study of Communist Movement in Kashmir, p. 15, op.cit., n. 38, Ch. VII.

226. Vidya Bhushan, p. 192, op.cit., n. 25, Ch. VII.

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Art. 370 of the Constitution of India and even by signing Delhi Agreement, welcomed the arrest of Sheikh Abdullah. But all the rightist parties and religious groups in the Valley condemned his arrest. They argued that arbitrary removal of the leader of the house, Sheikh Abdullah from premiership without the formal vote of no confidence against him was without a parallel in the history of democracy.²¹ 227

However, Sheikh Abdullah's attitude towards Jammu, the agitation of Praja Parishad, the role of its sympathetic organisation in India, its reactions in the valley and their counter-reactions in India all created conditions favourable for the success of the Communist plot for the disintegration of the State and its relations with the rest of the Indian Republic.²² 228 The Leftist leaders were happy over these developments to which they had made their distinct contributions. In the beginning of 1953 Balraj Puri sought Comrade Sundarayya's view on Kashmir. He admitted that Abdullah was a Kashmiri chauvinist. But as he was fighting the

227. Narinder Singh, p. 218, op.cit., n. 65, Ch. VII.
228. The Study of the Communist Movement in Kashmir, p. 13, op.cit., n. 38, Ch. VII.

domination of Indian capitalism he must be supported. On the enquiry that conflict might lead to independent Kashmir, which at that time appeared to him to be the objective of the U.S.A., Sundarayya said that he was misinformed. He added that the American game was to hand over Kashmir to Pakistan. Sheikh by directing popular sentiment to another channel, was foiling that game. He was convinced that Sheikh was playing the game of his party.²³ ~~229~~

But the breach between them and Sheikh was so sudden that circumstances leading to it could not be fully investigated. Actually Sheikh Abdullah was never a communist but he had played apparently a communist role. The left leaders wanted him ever to continue to play the same role. Having succeeded in their effort to alienate him from India and from Nehru, they then expected him to throw himself at their mercy.²⁴ ~~230~~ He, on the other hand, arrested himself and became apprehensive of their growing influence, probably for the first time. It was only in the last days of July that the Polit Bureau of the C.P.I. condemned Sheikh Abdullah for his

229. A.G. Noorani, op.cit.

230. Ibid.

alleged him

trigues with the imperialists.²⁵ ²³⁴

The left had, thus, started functioning a parallel to the N.C. through their Peace Committees.²⁶ ²³²
In summer of 1952 Sadiq and Beg launched the Communist Peace Movement with latter as its President and with Nandani, Tehmiri and other pro-socialist National Conferencites as its supporters.²⁷ ²³³ Balraj Puri, however, commented that Sheikh had always distrust for persons having links with loyalties outside Kashmir or outside the N.C. though he would have accepted support from anybody. He would not even mind communists working within the party, but disapproved of a parallel organisation.²⁸ ²³⁴

Sheikh Abdullah there upon took serious exception to the communist loyalty to alien interests and forbade the N.C. workers taking part in any of these committees conference.²⁹ ²³⁵ He gave yet another offence to the communists when he disapproved Sadiq's intention

231. Cross Road, August 2, 1953.

232. The Study of the Communist Movement in Kashmir, p. 14, op.cit., n. 38, Ch. VII.

233. Ibid.

234. A.G. Noorani, op.cit. n. 209, ch. VII

235. Ibid.

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to Moscow for medical treatment. A rift
 towards emerged between G.M. Sadiq and Sheikh
 30 236
 Allah.

Having themselves promoted the separatist
 tendencies in Kashmir, the leftist leaders then found
 that the situation was getting out of their hands. They
 believed that independent Kashmir was a two-edged sword
 and Sheikh had no settled plans or ideas about the
 structure or character of it. They seemed to have no
 objection to the Independent Kashmir lining up with the
 Russian bloc.³¹ 237 But Sheikh Abdullah seemed to have
 supported favourably to the feelers for lining up with
 the western powers.

The Communists' illusions about Sheikh
 Abdullah were completely falling off by then. They,
 therefore, tried to come to some sort of understanding
 with Bakshi. The circumstances then so conspired
 themselves that Communists also succeeded in finding
 favour with the Praja Parishad and the Jana Sangh.³² 238

236. Ibid.

237. The Study of Communist Movement in Kashmir, p.14,
 op.cit., n. 38, Ch. VII.

238. A.G. Noorani, op.cit. n. 209, ch. VII.

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The Political Bureau of the CPI on the situation in Kashmir in August, 1953, issued a statement mentioning "the dismissal of Sheikh Abdullah by Sadar-i-Iyasat and the formation of a New Kashmir Govt. have come as the culmination of recent developments in Kashmir since Adlai Stevenson's visit there. He fell in line with American intrigues and came out for an independent Kashmir to be guaranteed by U.N. i.e. Americans."

33 239

The Central Committee of the CPI viewed with grave concern the reports then coming from Kashmir "that some leading personalities of the Sheikh Abdullah group and its supporters in the National Conference made public declaration that the State of Kashmir should be made independent of India and that its new status be guaranteed by India, Pakistan and the UN."³⁴ 240 All this showed the changing stance of the Communists in 1953. It is even alleged that they were mainly responsible for the coup in which Sheikh was dismissed and arrested. The Moscow patriots saw in Sheikh's postures an attempt to precipitate an independent status for Kashmir. Since that was not acceptable to their bosses in Moscow, the

239. Resolution on the situation in Kashmir by CPI, 1953.

240. Cross Road, August 2, 1953.

Communists engineered a coup saying that the Sheikh had
 become a victim of imperialist conspiracy. ^{35 244}

In manipulating 1953 events in Kashmir, the
~~communists~~ ^{eventually} had envisaged a "complete take over"
 But they had to face complete failure when
 the then Prime Minister of the State, Bakshi Ghulam
 Mohammed began to clear his party of the ranks of
~~communists~~ from 1955 onwards. The Indian Communists
 were in a quandry because Bakshi condemned western moves
 for forcing a solution of Kashmir issue as vehemently as
 he condemned the Communist scheming in and outside
 Kashmir. ^{36 242}

They no more talked of Independent Kashmir and
 had suddenly become Pro India and Pro Nehru. Such
 a change was quiet in keeping with their known
 revolutionary tactics. However, Sheikh Abdullah's
 political 'martyrdom' on August 9, 1953, had made him a
 popular hero once again. The Communists cleverly
 avoided the target of the popular wrath. While summing
 up, one may say that fall of Sheikh Abdullah was mostly due
 to the fact that he had fallen from grace of the

1. A typed Note of Pt. Prem Nath Dogra, found in the
 Praja Parishad Old files, Jana Sangh Head Office,
 Jammu, date and year unknown.
2. Ibid.

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Communist and also that of Pt. Nehru. Though the events since long were drifting towards this climax, yet the people were taken aback by its surprising suddenness when it came. Moreover, the people responsible for Abdullah's fall were precisely those who had raised him on the highest pedestal.

X X X

In short the Constitutional crisis of 1953, throws a meaningful light on certain basic issues and puts into bold relief some of the patterns and directions of the different forces on the final shape of the Kashmir's Constitution of 1957. As a matter of fact, the instrument of government, which ultimately emerged had been the ~~and~~ cumulative result of interactions and polarization which developed and occurred, as between certain concepts and forces within the state's own sub-system, and between it and the ^{union} central political system.

The crisis was, thus, the result of the motivational variations arising out of varied political considerations and failure of the leadership at various political ~~considerations~~ levels to reconcile the various claims and aspirations. One may discern behind all the political drama of constitution ~~making~~ in 1953, a deep-seated search for security on the part of the Dogra nationalists and Kashmiri nationalists.

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The eight members were: —

1. Sheikh Abdu'llah,
2. Maulana Masoodi;
3. Bahaduri Gululam Mohd;
4. M. A. Beg;
5. G. M. Sadiq;
6. ~~G. L. Dogra~~
6. Sardar Bishu Singh

7 G.L. Dogra; and 8 S.L. Saraf.

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op. cit. P. 188.

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op. cit. p 220

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PP 10-12

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23. A. G. Noorani's article The Communist Role in
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24. Ibid

25. Cross Road, ^{new Delhi} August 2, 1953

26. ~~jyoti~~ parashash, Jyoti: The Study of the Communist
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33. Resolution on the Situation in Kashmir by
1953.

34. Cross Road, new Delhi August 2, 1953.
P. 7

35. A typed note of Pt. Prem Nath Dogra found in
Praja Parishad alal files, Jamsaugh Head office
Jammu.

36. Ibid.

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The numerous other grievances of the people of Jammu against the then Sheikh Abdullah's government could be as under :-
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1. Sheikh Mohd Abdullah - the then Prime Minister and a valley based leader had failed to win the confidence of the people of Jammu,
2. He wielded unrestricted powers in administration,
3. The special status given to J&K State ^{under} temporary provisioning Article 370 of Indian Constitution, to which Sheikh Mohd Abdullah ^{wanted} was to give a permanent place in the said Constitution, had become an anathema to the Hindus of Jammu who began to seek its abrogation.
4. The people of Jammu alleged that the monies ^{ties} flooded into the state from the centre, utilised in the development of the valley, only and very ~~for~~ little was spent in Jammu.
5. The demand for Independent Kashmir, occasionally voiced in the valley, was also led to the growing Hindu chauvinism in Jammu.
6. Sheikh Abdullah was also characterised as a rabid communist.
7. By adopting the Naya Kashmir programme of planned economy, the people of Jammu and the Kashmiri Pandits were the hardest - hit materially as well as psychologically.

THE SUGGESTED MEASURES TO COMBAT MILITANCY IN KASHMIR -
A CRITICAL APPRAISAL

*Dr. Sheetal Gupta.

The rise of militancy in Kashmir, which has long been in the making because of the soft and permissive attitude of the Central leadership, in the policies of deception, spurious democracy, habit of nursing illusions, unwholesome legacies of the past, the fundamentalization of religion, the infirmities of administration, public corruption, environmental disruption, regional differences and in the over all dynamics of negative forces, not only caused the serious threat to the national security of our Country but also has converted this heaven - the Valley of Kashmir into the hell. Since 1990, the toll has been enormous. The thousands have been killed including number of security forces, 48,131 families have been forced to leave their homes for refugee campus, thousands widows and orphans left to face a bleak future, trade and tourism completely disrupted and deep wounds inflicted on the psyche of the Kashmiri community. By encouraging and financing, training and arming peaceful Kashmiri youths to take the guns and move from their traditional culture patterns to fundamentalism. Pakistan has pushed them to the major disastrous.

Inspite of the intensifying operations by the Security forces in the Valley considerably restricted militant activities and frustrated designs of Pak-sponsored sub-version which cause the colossal destructions of men and material, and the people have completely fed up with such a state of affairs, militancy still could not be curbed.

The Statesmen, Scholars, Experts on Kashmir affairs, Political parties, Journalists and the Bureaucrates have, however, suggested the various measures to combat militancy in Kashmir. A brief but a critical analysis of each of these is desirable to find out the fool proof method to cure this meanance and to stop further alienation of the Kashmir masses. These are:-

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1. SCRAPPING OUT ARTICLE - 370.

Integrationists in the State and outside are pleading ~~a~~ **strongly** for the scrapping of Article - 370 of the Indian Constitution, which has granted special status to the State of Jammu and Kashmir. They are of the view that this provision is responsible for widening the gulf between the people of this State and the rest of India.

But the supporters of abrogation of Article 370 have perhaps forgotten that this provision is the only basis of Kashmir's Constitutional relations with Indian Union and any attempt of altering and abrogating this provision would invite still more serious consequences in the way of harmonious association of the State with Indian Union.

Moreover, Indian Constitution is studded with special provisions like Article 371 with respect to regions of Maharashtra and Gujrat, Art. 371-A to Nagaland, Art. 371-B to Tribal areas of Assam, Art. 371-C to Manipur, Art. 371-D to Andhra Pradesh, A t. 371-F to Sikkim, Art. 371-G to Mizoram and Art. 371-H to Arunachal Pradesh so it is invidious to pick on Art. 370 only.

2. RUTHLESS SUPPRESSION

Those who suggest ruthless suppression of the Kashmir masses have not learnt the lesson from the past history e.g. Pak army in eastern wing of Pakistan in 1971, in Singh, in Balochistan and Russian Army in Chichanis. Suppression does not provide a durable and a permanent solution of any problem. We should not forget that, inspite of clossal destruction of men and material since 1990, the militancy could not be curbed and normalacy could not be returned in the Valley.

3. HHANDING OVER VALLEY TO ARMY

The handing over valley to Army may also not serve the purpose. It may add fuel to the fire. Moreover, using army against our own nationals may be unethical. The recent example of Pakistan haending Sind to Army, and its consequences are before us.

4. MILITARY SOLUTION

Military solution may also not desirable. Theree wars have already been fought. The result is identifal. Another war may be more destructive, but without substantial change in present boundaries, ecause Pakistan is said to be far better ptepared with latest war machinery and nuclear war heads. Military solution can only be desirable when India is fully prepared to confront not only with Pakistan but China simultaneously. There may be American, other Western nations, Muslim world and U.N. Pressures against such a venture.

5. HOLDING PLEBISCITE

Holding plebiscite to decide the Kashmir problem is also not at all possible. There were certain pre-conditions. But when these conditions wee not met by Pakistan, its and other outfits insistence to held plebiscite after 40 years is unrealistic.

Moreover, no country can afford an option open for all the times to come and provide even a slightest possibility of dismemberment of its territory.

It may also be kept in mind that those who would have participated in such a plebiscite more than four decades age, are no more alive. The new generation is entirely different both in outlook and practical life style.

Even the people who made this commitment are also no more. The commitment then made cannot be binding on the posterity. Even Pakistan is not serious about holding plebiscite as its leaders are not sure of the support from autonomists, pre-independence, Shias, Ahmedes in the Valley, Gujjars and Bakarwals of the state and from the people of Jammu and Kashmir.

6. INDEPENDENCE TO KASHMIR

Some of the outfits in the Valley like JKLF constantly demanding independence for Kashmir. But even Sheikh Abdullah ruled out the possibility of independent Kashmir because of good will on the parts of its neighbouring states.

Independent Kashmir is neither acceptable to the peoples' Republic of China and even by Pakistan and other regional units of the State.

Those who demand independence for the State, should learn lesson from Yugoslavia and Afghanistan, where independence moves have caused the destruction and devastation for their people.

Economically, too, an Independent Kashmir would not be viable solution when both of its parts depended on heavy subsidies from India and Pakistan, respectively.

7. MORE ECONOMIC DEVELOPMENT AND MORE AIDS

Some of the entries are of the view that the present crises in the State is due to the lopsided economic development. They are also of the view that benefits of the economic development so far, have gone to some sections of the society. But the majority of the people are still poor and ill fed. The unemployment of educated youth is another serious problem. That is why they have become easy prey of the false propaganda of Pak-media and other fundamental and secessionist outfits in the Valley.

But we must remember that greater dose of aids can not be a substitute for the satisfaction of political urges of the people.

Rather it stimulates and provoke them if they suspect the motives of aid giver. It also becomes counter-productive if it causes corruption, economic and political distortion.

8. MEANINGFUL AUTONOMY/PRE-1953 STATUS

A suggestion is also made for granting of the meaningful autonomy like pre-1953 status. But the state Constitution has, been amended several times since August 1953, and number of Central laws have also been extended to the State.

It may not an easy thing to go back to pre-1953 position. Moreover, integrationists and Pakistan may not accept such a situation.

9. MAKING INDIA A GENUINELY FEDERAL STATE

Some of the political elites - particularly communists suggest to make India as a genuinely federal state in which the states are not the vassals and whosoever gets into power in Delhi can dismiss state governments even for petty reasons.

But one should keep in mind that geographically, culturally, racially, and ethnically India is not a homogeneous Country. Being a multi-lingual, multi-racial, multi-cultural and multi-religious state, it comprised of different regions each of which has distinct regional and political personality of its own. In fact political and emotional divergence between them have been growing over years. A loose federal structure may, therefore, not desirable in the interest of the unity and integrity of this country. Moreover, the past history of this country is an eye-opener for us.

10. POLITICAL DIALOGUE

The crisis in Kashmir can also be said to be tackled and resolved through negotiations and dialogues, with misled Kashmiri militants.

It is, therefore, proposed that all the groups of the militants should be invited for dialogue. The supporters of this are of the view that most of political elites in the Valley are now convinced that no state can survive on religious basis only, and they have no future by acceding with Pakistan. They knew the fate of Bengali Muslims, Sindhis and Mahajera in Karachi.

But, some of political parties and their leaders pleads that there should be no place for anti-national elements, on the negotiating table. Hence no negotiation with Killers, kidnapers and looters.

Experience of world would demonstrate that inflexibility may not be feasible in all circumstances. Rather a clear-cut but stern policy-lines would help in combating militancy.

There are various militant groups active in the Valley and some of them at daggers drawn with each other. To bring them on one table for negotiation and dialogue is most difficult task.

11. TRIFFICATION OF THE STATE

A group of newly emerging political elites in Jammu are strongly advocating trifurcation of the State and each of the three regions be given internal autonomy. A similar proposal was once before the active consideration of the Basic Principles Committee (BPC) of Constituent Assembly of Kashmir in 1953.

The idea was to create Republic within a Republic. But this proposal could not be materialised. And integration-ists inside and outside the state opposed it.

It is further pointed out that though this proposal might reduce the possibility of regional imbalances, irritations and tensions yet it will give further impetus to diver-sive forces to exploit the situation.

12. DIVISION OF THE STATE ALONG THE ACTUAL LINE OF CONTROL

Acceptance of status quo is also said to be only solution of the Kashmir crisis i.e. division of Kashmir State on Actual Line of Control (ALC) and any attempt to force other option would said to be prove destructive for the people of both sides. Even American President (Hizenover) had also suggested it in 1958.

It is also pointed out that there was a definite understanding between Z.A. Bhutto and Mrs. Indira Gandhi at Shimla that both the leaders would henceforth persuade their representative people to accept the ALC as the International Border. But integrationists as well as people in Pakistan may not accept this proposal.

While concluding my paper I may point out that as Kashmir exists is multi dimentional, a multi-dimentional solution is also desirable. Hence 'Eliminating Terrorism, restoring confidence of the people and initiating political process may be the only pragmatic solution.

There should be, therefore, comprehensive strategy to meet the threat of terrorism which is definatelly a police/military problem. The strategy should have ~~xxx~~two components - the short term and the long term.

The shor~~g~~ term strategy should include putting strong and sustained pressures on the terrorists and their collaborat-ors, denying them extra supply of oxyven in the form of foreign arms and money; publicity by human-rights-bodies and undue press - publicity of local and outside; the flow of state re-sources and Indian money, given for development activities, treating the situation in the valley as low-intensity war or a war by proxy, organising counter guerilla groups blocking

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their supply line, identifying and removing subversive elements from State services, and from semi-government organisations, providing an honourable line of return to misguided Kashmiri youths, launching a strong move through media to counter false and malicious Pak propaganda against India, educating the masses about the ultimate futility of ~~various~~ violence and exhibiting a united national will and maintaining a consistent line of action.

The long term measures should include the fundamental reforms in State administration. The present culture of superficiality, shallowness, softness and selfishness be replaced by the culture of constructivity, creativity and comparison.

The priority then should be given to the restoration of the confidence of Kashmiris, which they had exhibited in forties and early fifties, in Indian polity. The need of the time, is therefore, to stop all talks about scrapping Article 370, Masjid-Temple, Controversy, trifurcation of the State, suppression of people's will by force etc.

Once it is done, the political process should immediately be started. Free and fair elections should be conducted and the **power** should be transferred to the elected members. All the above mentioned processes should be started simultaneously but without delay.

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People's Power And People's Movements
- A Study of Militancy in Kashmir -

Dr. Vidya Bhushan*

A few irritating questions are specifically being raised in the mind of a prudent man about the present crisis in Kashmir. These are:-

- 1) How the Kashmiris, who had upheld the secular outlook in the past, rejected two nations theory of the Muslim League, opposed Kashmir's accession to Pakistan, fought against the brutal tribal invasion in 1947, suddenly became anti-India, anti-Hindu, anti-democratic and started demanding state secession / independence.
- 2) How could members of a docile, timid peace loving and non martial community has taken up arms?
- 3) How could a community which favoured with lavish central aid be so ungrateful?
- 4) How, a few hundred of misled Kashmiri unemployed young men have been trained in and infiltrated back from Pak occupied Kashmir could stir a mass movement among the three to four million Muslim population in the valley and brought them to the brim of the crisis.

The present crisis is a product of years of political mishandling at many levels which led to the accumulation of the bitterness, frustration and generation of a sense of betrayal and alienation among the millions of Muslim population in the valley.

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Sheikh Abdullah and his colleague^s, being true Kashmiri nationalist and fully conscious of their separate Kashmiri identity, much inspired by the Congress leadership and their struggle for freedom in 40's, ~~They~~ too organised the people of Kashmir under the banner of The All J&K National Conference to launch Kashmiri's fight for freedom against the feudal, anti-democratic and autocratic Dogra dynastic rule. No doubt there was then close^s relationship between Congress and National Conference leadership yet Kashmiri political elites had maintained their separate identity, carried their freedom struggle separately, had their own programme of action (Naya Kashmir) and spearheaded the Kashmiri Nationalistic sentiments throughout their struggle.

At the time of partition of the Indian sub-continent, Kashmiri leadership perceived a threat to their separate identity from Pakistan which refused to concede them the right to decide their fate themselves. The Pakistani leadership rather recognised the right of ruler to do so. And later on assumed it for itself and tried to enforce it through tribal invasion.

A self-respecting community like Kashmiri^s (as well as Dogras of Jammu) did not accept that position.

Hence an instrument of state accession was entered and military help from India was sought to defend the state people from the brutality of the invaders. It was a limited accession - conceding three subjects - Foreign Affairs, Defence, Communications only.

But Indian leadership and the National Conference leadership had divergent perceptions about the decision of Kashmir's accession to the Indian dominion. For Indians it was just a part of process of integration of Indian states. But Kashmiri leadership tended to treat it as an enabling provision to seek help of a superior power to protect their identity from an aggression.

When the Constitution of India was in a final stage of making, the need was felt to give representation to Kashmiris in the Consenbly of India. Thus, four members were nominated there. In order to decide the future constitution relationship with India, a high power meeting of a committee of Kashmiri and Indian leaders were held in 1949 in New Delhi and certain broad principles were laid down. The position finally crystalised when draft Art. 306-A, was presented to the Parliamentary Board of Congress Party to discuss it. It was revised three times to accommodate the view points of both the parties.

At one stage the Kashmiri delegation to the Indian Consenbly threatend to resign if their view point was not accepted.

The attempts by the Centre to persuade the state leadership to conform to a uniform pattern created the first strains in the Kashmir - Centre relations.

However, Art. 370 was the full guarantee to the state's special status within the Indian Union

as well as the recognition of Kashmiri's separate identity.

So far as temporary, transitional nature of Art. 370 was concerned the integrationists in Jammu as well as in India were of the opinion that Art. 370 was created due to the special circumstances prevalent in the state at that time and could be abrogated by the President when ever normalcy would restore in the state. The Kashmiri leadership, on the other hand, believed that art. 370 was the only basis of Kashmir's constitutional relations with the Indian Union. And altering and abrogating this article unilaterally by the Centre would not only constitute a breach of the spirit and letter of the constitution but it might also invite severe ^{serious} consequences in the way of a harmonious association of our state with India.

The Dogras of Jammu, who believed the Dogra Maharaja as a ^osymble_^ of their security against the majority community supported him and opposed National Conference struggle against the ^odynastic rule, in pre-independence. But after the establishment of democracy they believed the majority of India as their ^osymble_^ of their security against the Kashmir ^uchav_ninism, organised themselves under the banner of Praja Parshid ^{and} sparehead a movement for abrogation of Article 370 and complete merger of the state with the Indian Union as other class 'B' state. This movement in India was supported by ~~the~~ most of the communal and Hindu dominated organisations such as RSS, Jana Sangh,

Parishad
Hindu Maha Sabha, Ramraj Parshid. The movement gave another shock to the Kashmiri Nationalists about the security of their identity within Indian Republic. Meanwhile the student wing of RSS (V.P.) refused to respect and honour the flag under which the Kashmiri Nationalists carried on their long struggle for freedom and represented their regional sentiments.

sympathisers
Praja Parshad and their ~~sympathisers~~ in India *even* opposed the convening of the Kashmir consembly, Land reforms, ⁱabolation of monarchy, elected head of the state, adoption of separate flag and emblem, the idea of Kashmir being autonomous republic within Indian Republic. Mr. N.G. Ayyangar, the then ⁿMinister of States of India visited the state and advised the framer of the state's constitution to be practical and not to be led by theoretical ideas. Such an interference from the centre in the state further created bitterness of feeling between the leaders at both the levels. Even Sheikh Abdullah felt hurt.

These developments had made possible for disruptive forces to make *desperate* ~~desperate~~ attempts to disintegrate the state. With the starting of Praja Parshad movement against the National Conference leadership designs, brought a direct conflict between *integrationists* ~~integrationists~~ of Jammu, their *sympathisers* ~~sympathisers~~ at the centre and the autonomists of the valley.

Provoked by the aggressive attacks from Praja Prashad leadership and its *sympathisers* ~~sympathiser~~ at the national level, Sheikh Abdullah in a sensational

speech at R.S. Pura ^{reiterated} ~~rearticulated~~ again that Kashmir's accession to India would be of a restrictive nature and those who wanted Kashmir to loose its separate identity were talking without any concept of political realities that faced them. In another speech at Hazrat Bal on 18th April 1952, he stressed that Kashmiris in no way were prepared to renounce their cherished ideology in further ^{ance} ~~ance~~ of which they had offered their blood and sweat. He never wanted and wished for either accession of the state to Pakistan or its independence but maximum autonomy for the state within Indian orbit. In order to end this tug of war, the Indian Govt. invited Sheikh Abdullah for talks in Delhi but he refused to go there for several months. At last he went to Delhi along with his trusted colleagues, enter into negotiation and ultimately Delhi Agreement of 1952 was signed.

Soon after he was accused of not implementing the Delhi Agreement, which further deepened the crisis.

The State-Centre honeymoon witnessed the first major breach in August 1953 when Premier Sheikh Abdullah was sacked and jailed. The subsequent rain ^{reign} of terror gave another shock to them. Thus, the architect of state accession with India overnight became the rallying point of anti-India, pro-Pak and communal forces. The plebiscite front, which was then formed carried under its banners different discontented

groups, secessionalist and out right pak agents. For the first time, the anti-Indian elements developed the capacity to pose a serious threat to the integrity of the state.

All the political regimes which then followed were nothing but the puppet ^{governments} govts. which further contributed in the alienation of the Kashmiri ^{es} mass by their wrong policies. As a result the problem of communalism and secessionism had taken a serious dimension in the state. ^{A number} of Kashmiri elites started challenging the state accession to the Indian Union and pleading for holding plebiscite to decide it finally. Pakistani influence was still on increase. Sheikh Abdullah was still regarded as undisputed leader of the valley.

On the other hand, the failure of Pakistani army to capture Kashmir by force, the then Pak turmoil due to not accepting Mujib-Ul-Rehman as Pak Prime Minister inspite of ^{his party} securing absolute majority in Assembly election, civil war in East Pakistan, commission of massacring, rapping and other atrocities by Pak army on the co-muslim brothers had a deep impact on the thinking of Kashmiri elites in general and top leadership in particular. Most of them were convinced that Kashmiris might be treated on the same way as that of the Bengali Muslims of ~~xxxx~~ East Pakistan if the valley acceded to Pakistan. They were equally convinced that the possibility of Kashmir to be independent was very bleak as it was

surrounded by number of big Empires. They, therefore, of the view that if there could be any solution of their problem it would be within the framework of Indian constitution.

As Sheikh Abdullah was still regarded as undisputed leader of the valley, Mrs. Indira Gandhi and his top colleagues were also ^{appeared} ~~seemed~~ to have been convinced that it would not be possible to get the popular support from the valley by ignoring Sheikh Abdullah as well as no final solution of Kashmir issue would be reached without taking Sheikh Abdullah into confidence.

Under these compelling circumstances a prolonged negotiations started between Parthasarthy and Mr. M.A. Beg, on behalf of Indira Gandhi and Sheikh Abdullah. These negotiations culminated into the Indira-Sheikh Accord of 1975. Although Sheikh Abdullah and others were won over for a settlement within the constitutional framework when central leadership renewed the assurance that Article 370 would be kept intact. Yet, they remained bitter over the erosion in the content of the state autonomy (as provided under Article 370) since August 1953 (the period of wilderness).

The situation hardly improved in the wake of Indira-Sheikh Accord as the calculation on which the maker of Accord relied heavily proved to be incorrect and unrealistic. There was a sea~~x~~change in the thinking and belief of the original

followers of Sheikh Abdullah and those who collected around him under the leadership of plebiscite front. The vast majority of the new ^{members of} National Conference ~~men~~ were not wedded to secularism and Indian democracy and were easily ^{exposed} to the virus of pan-Islamism. They were unhappy on the return of Sheikh into power, as a result of Accord because they believed that the 'Massiha' had failed miserably in his mission to safeguard the separate Kashmiri identity against the Indian ^{chavinasim}.

Kashmir is the only state where central govt. has always imposed govt. of its own choice, however ~~x~~ unpopular and corrupt it may be, one party dominated the affairs of the state, (i.e. one party govt. as the norm), where loyalty to govt. had symbolised the loyalty to the country, where demand for democratic and human rights, protest against corruption, maladministration, administrative injustice are branded as treason, Pak-agent and anti-national.

The central leadership wanted Dr. Farooq, who ^{succeeded} ~~succeed~~ his father, though with the help of Indira Gandhi, to toe the lines of the centre. But he avoided. The result was a ~~x~~ tug of war between J&K P.C.C. and National Conference leadership. Even the negotiation of the sharing of seats between the two parties for 1983 Assembly election also flopped. National Conference, however, succeeded to get absolute majority in the election with the support

of the rightist parties - Awami Action Committee, Jamat-i-Islami, Jamat-i-Tulba and its various factions. During Farooq's second term, known Pak agents were awarded with high political position. The youngman who had remained in contact with the Pak intelligence were accommodated in the administration. Thus, anti-Indian forces gained respectability and freedom to operate from positions of authority and they thrived under the protective umbrellas of the politicians in power. By the time Farooq govt. was dismissed in July 1984, the tentacles of terrorism had spread extensively. Subversive literature including periodical regularly brought out and widely and almost openly distributed alongwith weapons and explosives. There also emerged the terrorist gangs like 'Aljehad', Al-Maqbool Muslim Mujahideen', Holy War Fighters, etc.

The dismissal of the popularly elected govt. of Dr. Farooq Abdullah gave ^{an other} ~~an~~ other shock to the Kashmiri political elite. His role as Kashmiri protest, as he ~~was~~ symbolised the Kashmiri identity was further undermined.

The conditions ~~were~~ further deteriorated during a short spell of G.M. Shah ^{'s} regime. The political imbecility and administrative naviety resorted to this period had no paralel. Anti-nationals operated unfattered and unchallenged, and created an atmosphere congenial for the promotion and spread of militancy. As a result of Rajiv-Farooq Accord of 1986 a coalition govt. of Congress and NC (F) was formed. Both the

parties jointly contested Assembly elections. The massive rigging in 1987 election, which saw large number of Kashmiri youth taking part, on the name of national unity grossly eroded the authenticity of public verdict and further gave a setback to the Kashmiri faith in democratic values. The govt. formed thereafter became a victim of manipulation by warring factions of bureaucrats, its own lethargy and the non-performance of the leaders.

Before the Accord Congress was a channel of discontent against state govt. as it was an opposition party. Whereas the National Conference - the party in power, was a channel to express discontentment against the centre. But as a result of Rajiv-Farooq Accord, a coalition govt. of Congress - National Conference was formed and both these channels were closed and people directed toward communal and secessionist outfits. All avenues of redressal were therefore, closed. Thus pent up anger over the systematic denial of democratic rights, crudely rigged elections alienated the Kashmiri masses so deeply that they had lost all faith in Indian democracy and took up arms. In other words, the lack of a democratic traditions, civil liberties and free elections in the name of national interest further forced the popular discontentment to seek outlets outside the system. Moreover, repeated communal riots in India and the ^Uchav^Ainistic attitude and behaviour of majority communities, viz. Slogan of Hindu Rashtra, destroying Mosque and building up

a temple at its place, abrogation of Article 370 etc. further put fuel into the fire.

The Pakistani connection with Kashmiri people was always there since 1947. It may also be true that several hundred of Kashmiri youngmen have been trained in and infiltrated back from Pak - occupied Kashmir to stir ^{the} secessionism. But there number is too small as compare with three to four million ^M muslim population. They could only succeed in their mission due to the help and sympathy of the masses which have been sadly alienated especially in the valley.

Kashmir because of its geo-political and ethnic live-up inherently already possessed the ingredients considered conducive to the growth of terrorism. These are:

- 1) Existence of self-conscious, segregated, ethnic, cultural and religious minorities.
- 2) Prevalence^a of self-conscious feelings of economic deprivation, political oppression and poor job opportunities.
- 3) Denial or lack of voting rights.
- 4) External encouragement and inspiration.
- 5) Situation of acute un-employment.
- 6) Failure of political leadership to overcome people's frustration providing ideological content to violence.

The situation was thus ripe. Pakistan just moved in with greater and more intensified emphasis on training, enhancement of financial ^{inducements} ~~endowments~~ and sophisticated weaponry.

However, money can not a substitute for the satisfaction of the political urges. Rather it stimulates them. It can provoke people if they suspect the motive of aid giver. Moreover, further aid becomes counter productive if the manner in which it is spent causes corruption and economic and political distortions.

What are the major political urges of the Muslim of Kashmir which remain dissatisfied? ~~And~~ ^{how} way the Indian political system failed to provide adequate channels for registering dissatisfaction? To understand all these questions and the behaviour of the Kashmiri ^M muslim we must remember that Kashmiri ^M muslims are Kashmiri as well as Muslims.

The present crisis was also a result of unholy ⁱ liason between secessionists and fundamentalists. Some of the Muslim Fundamentalists organisations like Jamat-i-Islami has opened number of Schools where anti-secular, anti-India and anti-national education is imparted to poisoned the minds of the young against the socialist, secular and democratic India in a well planned and highly effective manners.

Since, in recent centuries, Muslims have constituted the overwhelming majority of the Kashmiri community of Kashmiris in J. & K., I shall be usually referring to them as Muslims and to their Hindu counterparts as Pundits, only. The ^{unusually close} ~~unusual~~ relationship between these two segments of the Kashmiri community and its tragic denouement are both interesting and confusing. ~~UNUSUAL~~ They are almost indistinguishable from each other in their dress, speech, dietary habits, and leisurely pursuits. Here only, in Kashmir, the Brahmins -- socially ~~is~~ so exclusive and fussy about the ritual aspect of their meals -- not only take meat but take it even when prepared and served by Muslims. More than anywhere else in this sub-continent the Pundits and Muslims in this valley visit and invite each other on religious occasions, like the Siva Ratri and the Id. The valley bristles with hundreds of mazars of peers which are visited by members of both the communities, although most orthodox Muslims ^{elsewhere} frown upon this practice as a concession to idolatry. They are genuinely proud of their common composite culture, social mores, and respectful attitude towards each others beliefs and practices. They both believe that it was the famed Lalleswari who first foresaw the divinity of the future saint Nuruddin Noorani (Nand Rishi), and suckled and saved his life. Because of their liberal attitude towards each others faiths and practices both the Muslims and Pundits are usually looked down upon by their more conservative cousins of northern India. Happily, both the communities, till recently at least, were proud of their ~~xxxxxxxxxxxxxxxxxxxx~~ cultural distinctiveness, nearness to each other, and preferred each other to any fellow Hindu or ^{Muslim} ~~Muslim~~ from elsewhere. Nearly a couple of centuries ago the Kashmiri poet, Mahjoor, wrote, "The Hindu will hold the helm and the Muslim will ply the oar/ Let you together row ashore the boat of the country." That spirit pervaded the valley and even in 1947, when most of north India was virtually bathed in blood, the valley remained a unique oasis of peace and harmony. Not a single Pundit was assaulted even when in remote villages where only a couple of such families could be found. ~~There was~~ ^{No} tension/visible between the two communities even during the Indo-Pak wars of 1965 and 1971. Yet, within the next twenty years, the same Muslims have ^{ethnically} ~~effectively~~ cleansed the valley ~~as effectively as~~ as effectively as Sikander Shah had done six hundred years ago. What made ^{the} quiet, cultured

and proverbially coward Kashmiri Muslims turn so viciously against every thing and every one that stands for India and its government and destroy the composite Kashmiriyat of centuries, probably, for ever? Such diabolical developments cannot be brought about by decisions and actions taken over a few years or decades, but have roots in generations and centuries past.

First of all, one should remember that, though politically a part of India, Kashmir is not like any other part. Cloistered between the lofty Pir Panchal and the mighty Himalayas this valley -- without any road link fit for vehicular traffic, till a century ago -- is physically more isolated than any other populous part. Though they ^{first} contributed to, than any other populous part. Though they accepted and actively ~~cooperated~~ ^{first} to the Hindu-
~~Indian~~ ^{Indian} ~~tributary~~ ^{tributary} ~~of~~ ^{of} ~~the~~ ^{the} ~~Islamic~~ ^{Islamic} ~~culture~~ ^{culture} ~~and~~ ^{and} ~~then~~ ^{then} ~~to~~ ^{to} ~~the~~ ^{the} ~~Islamic~~ ^{Islamic} ~~culture~~ ^{culture} ~~of~~ ^{of} ~~India~~ ^{India},
 Kashmiris, living in completely different physical and climatic surroundings and receiving exotic foreign influences from the West and the North, developed not only their distinct socio-cultural identity but were, and still are, justifiably proud of it. Though Kashmir's contribution to Hindu philosophy and culture is next to none -- the holy cave of ^{ancient} Amarnath is a rather recent discovery -- it does not have a single sacred site for pilgrims. Though Kashmir has produced renowned scholars of Sanskrit one does not come across a Kashmiri Pundit as a temple priest anywhere in India. It is mainly because, ~~with~~ ^{within} the meat-eating Pundits with their liberal attitude towards commensality are considered ritually inferior by their conservative cousins of the Indo-Gangetic plain. No Indian ruler, between the great Asoka and Akbar in 1586, could bring Kashmir under his sway. In between them, Lalitaditya ^{alone} in early 8th century ~~alone~~ could emerge out of the valley to intervene in the affairs of north India and to fight both the Arabs and the Chinese. In fact, contact between the valley and the rest of India remained restricted virtually to a handful of scholars and pilgrims who dared cross the fearsome physical obstacles on horseback. It was only after Zainal Abedin had converted Kashmir into a major producer and exporter of masterly handicrafts, like shawls, carpets and papier mache products, that a few more began to cross the Pir Panchal for trade, and tiny settlements of Kashmiri Muslim craftsmen and dealers came up in some of the major Indian towns. They were, and still are, so few and retain their ~~own~~ ^{own} ~~profile~~ ^{profile}.

low-profile isolated ghetto-like existence that hardly anyone in the rest of India took much note of them. On the contrary, it was the educated and ^{ambitious} ~~intelligent~~ Pundits migrating out of the valley in search of safer and greener pastures, after their loss political power and persecutions in the hands of ~~the~~ Sikander Shah and some of his ilk, who created the image of Kashmiris in the rest of India and abroad. With very few of them south of the Pir Panchal the rest of India knew little about the Kashmiri Muslims and they probably knew about the former even less. Even now, in most Indian universities, one can get a 1st class M.A. degree in history without studying anything about the valley ~~from~~ since its Islamisation in the 14th century. All that one usually comes across in the recommended books are the chauvinistic descriptions of Lalitaditya's conquests, the Mughal Gardens, and the Sikh conquest in 1819. For all practical purposes, the Kashmiri Muslims, till they gunned their way to our attention in recent years, remained as self-contained community, almost unknown and ignored.

True, when we speak of India in pre-British times, we usually refer to what is known as 'cultural India', which in different shapes and forms extend from Katmandu to Colombo and from Kabul to Cambodia and Bali (Indonesia). But there has also emerged, in course of the last seven centuries, the indistinct contours of a loose political India with Delhi as its centre. Regions that had been ruled for long from Delhi by the Sultans and the Great Mughals have come to accept by convention Delhi as the centre of political authority and this feeling of unity was strengthened during the over-125 years of British rule. They too realised the significance of Delhi and shifted the capital of India to its traditional site in 1911. Kashmir, unfortunately, missed these unifying influences. Before October 1947 she had ^{been} ruled from Delhi for only 166 years, from ~~1586~~ the Mughal conquest in 1586 to Afghan conquest in 1752. Thereafter, till 1819, she ^{was} ruled from Kabul and thence till 1846 by the Sikhs from Lahore. Since then, for ^{sovereign} exactly one hundred years, the J. & K. State was a semi-sovereign state only indirectly associated with the rest of India. Situated in one corner of the sub-continent and visited mainly by a handful of tourists and pilgrims -- Vaishno Mata was yet to catch the imagination of ^{the} Indian masses before independence -- missed, to a great extent, the integrating influence of the modern

communication system that passed through most other ~~major~~ princely states, while connecting the major centres of population and economic activity within the ~~country~~ country. Thus this state remained, in more than one sense, on the periphery of the sub-continent, as a part not of British India but of the Empire, with little to do with rest of the country, either in the past or in the present. But for the umbrella of British paramountcy, with which the common man was the least concerned, Kashmir was no more a part of India than, say, Nepal or Bhutan, not to speak of Burma and Aden which were integral parts of political India till 1937. In fact, at any point of time in the past -- may be even at present -- there were more Nepalis in India as soldiers, policemen and watchmen than Kashmiri Muslims, in connection with their trade. Pashu-patinath at Kathmandu attracted, and attract even now, many more ~~pilgrims~~ pilgrims than Amarnath and, being Hindus or Buddhists, many more Nepalis come to Kasi, Prayag and Gaya than Kashmiri Muslims to any of their holy places in ~~India~~ the rest of India. In fact, it may not be an exaggeration to assert that, before 1947, the total number of Afghans and (Kabuliwalas) selling dry fruits, ^{and} asafoetida (hing), and collecting interests on loans throughout India exceeded that of Kashmiri Muslims in their tiny metropolitan enclaves. These facts of geography, history, and economy have influenced the self-image and world-view of Kashmiri Muslims as well as our perceptions about them.

Apart from a common official, ~~and~~ administrative and economic system, what brought together most of them is their response to their common master. The Indian national movement, which included our struggle for honour, identity and political rights, was a strong unifying force. But, sadly enough, the people of this state, especially of the valley, missed that healthy influence. Having never been ruled directly by the British they had no reasons to be as anti-British as British-Indians. Of course, the elite of Jammu, with their manifold ^{northern} links with the rest of India, often shared the concern and sufferings of their cousins across the border. But, for most Kashmiri Muslims, the hated rulers were not at Delhi but right here at Jammu against whom they expected and often received from the British both encouragement and, what they considered, justice. Their complaints/against Maharaja Ranbir Singh's administration, during the famine of 1877, are on

record, and the book Dogra aur Mussalman, published in the mid-80s of the 19th century, was only the written expression of their perception of the relationship between the ruler and the ruled in this state. In short, what the British were to the rest of India the Dogras were to the Kashmiri Muslims.

No Para

The Pundits, though culturally arrogant, did not share the Muslim hostility towards the latter whom they occupied a high percentage of jobs in the government. Then, as years passed and education and political awareness spread among the Kashmiri Muslims (mostly Sunnis), an unhealthy polarisation took place between the latter's elite and the Dogra administration which resulted in the seminal agitation of 1931 and all that followed in its wake till the launching of the Quit Kashmir movement in 1946.

If, for reasons of history, their rulers and focal points of hatred were different from other Indians the leaders of the latter too, irrespective of their religious or ~~any~~ political affiliation, made hardly any effort at attracting the Kashmiris into our national struggle.

None from Kashmir was elected to the working committees, far less to the presidency, of either the I.N. Congress or the A.I. Muslim League.

True, these political organisations were meant essentially to fight the

British and were based in British India, but these did not prevent the

for ing Congress, elect, Sir Sankaran Nair of Travancore and Mrs. Sarojini

Naidu from Hyderabad as presidents, just as the Nawabs of Rampur,

Mamdotbad etc. held similar high positions in the Muslim League. Even

in their fight against the princes the activities of the States People's

Congress were never extended to this State where, first, the Muslim League

Conference and, after its virtual rechristianing in 1939, the National Conference

emerged and remained as the sole mouth-piece of popular (mostly

Kashmiri Muslim) representation with the Dogras. It was only after 1939,

when Sheikh Muhammad Abdullah became a personal friend of Nehru, that

nationalist India really became aware of the problems and aspirations

of Kashmiri Muslims and these were high-lighted when, during the Quit

Kashmir movement in 1946, Nehru tried to force his way through the po-

lice cordon at Kohala. Unfortunately

Unfortunately, for both the Pundits and the Muslims, the growing popular movement against the Dogras widened the gulf between them

The Pundits, culturally arrogant towards the Dogras, never shared the Muslims' animosity towards the latter under whom they occupied visibly a very high percentage of jobs in the government. Then as the awakening among the Muslims got translated into agitation -- largely aimed at jobs and opportunities then enjoyed by the Pundits -- the latter, as expected of any service dependent community, ^{distanced} ~~distanced~~ themselves from the aspirations of the majority and joined the Dogras in shouting, "Maharaja ki jai". They felt genuinely threatened by the noise made by the National Conference and their search for security tended to make them psychologically aliens among the Muslim majority in their own homeland. Composite Kashmiriyat came under increasing strain as the Muslims felt deserted by their privileged Pundit cousins who had manifold links with the rest ^{of} ~~in~~ India where they were playing important roles ⁱⁿ ~~of~~ various fields. Thus, if history conspired to keep the Kashmiris, especially the Muslims, away from the political life of modern India, our leaders too never made any serious effort at attracting them into their fold. If, in many ways, the Kashmiri Muslims were different, Indians too, in their own way, remained indifferent towards them.

Still, it is fortunate that for centuries the relationship between the Pundits and Muslims remained close and cordial. It was essentially because here in this valley, Islam did not appear with the invader's sword in arms. Here, as in most of Kerala and Bangladesh, Islamisation took place because the protest movements of the exploited majority found in Islam a liberating message and a shelter. There Islam did not alienate the majorities, but only put on them the stamp that they were separate in certain ways and that they would live in their own way like so many sects and castes within the Hindu fold. There the new converts retained many of their traditional beliefs and practices and found little rationale in treating the Hindu minorities like conquered subjects. Taking advantage of the Hindu Maharajas ~~of Travancore~~ and ~~the~~ of Pax Britanica ~~in Bengal~~ the more educated and enlightened Hindus of Kerala and Bengal gradually acquired for themselves a position superior to the Muslims as land-lords, money-lenders, teachers, lawyers, doctors and officers. As the communal cleavage tended to coincide with that of the class, Hindu-Muslim relations worsened both in Kerala and in Bengal. But, in Kashmir the Muslims, whether locals or outsiders, were in power ~~since~~ from the middle of the 14th century to early 19th century and they remained virtually free and content with their land to till and crafts and trades to pursue. There they

were in no way dependent on their Hindu neighbours who confined their ambition and activities mainly within the fields of education and administration. Leaving in relative isolation from the rest of the world, with few occasions of social tension, and conscious of their manifold similarities and blessings of competitionless co-existence the two ~~only~~ sophisticated ~~tribes~~/communities of Pundits and Muslims gradually evolved a cultural Kashmiriyat based on mutual understanding and inter-dependence. The master-client relationship that afflicted ~~the~~ communal relations in Bengal and Kerala just did not exist to spoil the social life of Kashmir.

It was only since the second half of the 19th century that the arrogant and extortionist attitude of many Pundits, who had a virtual monopoly in certain branches and levels of administration, made the Muslims increasingly antagonised not ~~only~~ just with the Pundits but also with the Dogra rule whom the latter served. This gulf of arrogance and irritation went on widening with each passing year as the Muslim demand for their rightful share in the government and employment appeared to threaten the Pundits's future. But, both the cultured communities did not allow the seeds of suspicion to sprout and inter-communal relations remained easy and warm as before. The Muslim ~~elite~~ elite knew very well the value of their secular image and the support of the Congress party, once British support was withdrawn after 1935, while the clever Pundits not only knew where their safety lay but also that they might have to soon serve their new Muslim masters in the approaching days of democracy. That is why, during the great blood-bath of 1947, both the Pundits and Muslims behaved like Kashmiris and not like Hindus ~~and~~ Muslims as in the rest of India and refused to put any form of pressure on the Maharaja to join this or that dominion. Whatever might have been their grievances with the Maharaja's administration they were keen on resolving those themselves without ~~accepting the status quo~~ ~~anyone~~ in the south, whose hands were red with the blood of their neighbours. They proved in 1947 that "if there is a paradise in this earth it is ^{here} ~~here~~, it is here, it is here".

Unfortunately, in October 1947, tribal raiders from Pakistan poured into the valley spreading death and destruction. But, much to their disappointment, they found the Kashmiris rising to a man to resist

them and to welcome the Indian army that came flying in to drive out the invaders. Nowhere was a single Pundit betrayed by his Muslim neighbour. Within a couple of months the valley was cleared of the raiders and the unique social and physical beauty of Kashmir was restored. Leaders of both India and Kashmir -- Nehru and Abdullah, in particular -- extolled each other's ideals and roles, and Kashmir was exhibited not only as the latest but also as the most willing and valuable member of the growing family of the Indian Union.

However, all the euphoria and fraternisation were based on the wishful misbelief that Kashmiris had voluntarily opted for accession to the Indian Union. Has it been so there would have been a powerful movement for J. & K.'s accession to India as took place in many princely states, like Travancore, Junagadh, and ~~later in~~ Hyderabad, whose rulers had initially refused to accede to India. In the summer of 1947, after the failure of the Quit Kashmir movement, ~~all that~~ the leaders of the National Conference ~~xxxxxx~~ were busy licking their wounds in quiet and all that they wanted was an understanding with the Maharaja that would give them an effective share in administration. If they

did not ask for accession to Pakistan -- probably because of their nightmarish memory of Afghan rule and the open differences between Jinnah and Abdullah in 1944 -- they betrayed no visible preference for India either. In October 1947 their house was on fire. The arsonists from Pakistan had broken into their house and were in forcible occupation of a couple of rooms, and all that Kashmiris then needed was Indian help, at all cost, just for their sheer survival. There was no time for a debate over the desirability of accession to India; it was the necessity of the time. Only when the Damocles Sword of that necessity had been removed from over their heads after the ceasefire on 31 December 1948 that Kashmiris could find time to think over the various aspects and implications of the accession they had been hustled into by the Pakistani raiders. According to late P. N. Bazaz, there should have been a plebiscite on the question of accession, right then and there, to assess the real will of the people. But, that was not done although even Alstair Lamb admits in his Kashmir a Disputed Legacy that in any such referendum in 1948-49 India had a distinct edge over Pakistan.

Unfortunately, our leaders lacked both the commitment of a democrat and idealist ~~for~~ the courage of a shrewd calculator. No chances were taken, no reference was made to the will of the people. In stead, we sought shelter in the Maharaja's signature and solace in the Sheikh's support for the accession. Never did we care to ask ourselves, why should the Kashmiri Muslims, with so little in common with us, would be willing to sacrifice even a small part of the authority that had, at last, come within their grasp? Why should they jump into the human ocean, i.e. India, which they hardly knew and where, in the game of numbers, they would hardly matter? The fact of the matter is that both before and immediately after the accession, barring a handful of orthodox Muslims, like Ghulam Abbas, who dreamt of Pakistan, the overwhelming majority of the valley wanted just to be left alone in their enchanting surroundings they were in love with. Obviously, they had accepted the accession along with India's military assistance under duress and wanted to be masters of their own home once the dark clouds of danger had blown away. Our armed assistance, in covert or overt forms, was sought and received by Nepali ~~democrats~~ democrats in 1950, by the freedom-fighters of East Pakistan in 1971, and by the Sri Lankan and Maldivian authorities in 1987 and 1988, respectively. But, nowhere was our presence ~~of~~ welcome even for a single day beyond what was considered absolutely necessary by the hosts. The results of over-staying are clear ~~from~~ the experiences of the IPKF in Sri Lanka and of the Soviet forces in Afghanistan and in large parts of eastern Europe. In Kashmir too their leaders ~~too~~ wanted the Indian army to be at their beck and call, but not to call the shots. Differences in perceptions and expectations only exposed the wide though half-hidden ~~between~~ ~~gap~~ in the self-image and world views of the Indian and Kashmiri leaders. What appeared natural and nationalistic to one appeared as treacherous and hegemonistic to the other. Indians presented the Kashmiri aspiration to be as independent as possible within the Indian Union, while Kashmiris suspected and hated the Indian expectation that they would like all have to be other Indians. Few in Kashmir was willing to accept the replacement of the rule of Jammu by ~~one~~ of Delhi or Karachi.

If ever there was any inarticulated acceptance of a closer association with a secular democratic India that accepts and honours all it was removed by events, like the surreptitious installation of Lord Rama's statue within the Babri mosque, the zealous movement for the

reconstruction of the Somnath temple, the riots that swept across eastern India in 1950, and the Praja Parishad-sponsored agitation against the special status for this state envisaged under the Indian constitution. Communalism of the minority threatens the social order, but that of the majority threatens the former's ~~own~~ very survival. Kashmiri Muslims, naturally, became increasingly security and identity conscious and were inclined to withdraw into the cocoon of constitutional guarantees for the safety of their limited independence. No serious effort was made to understand each other, both the sides became hypersensitive, and growing suspicion finally snapped the ^{emotional} link between Delhi and Srinagar in August 1953, when, despite all talks of 'Kashmir's special status', Kashmiris were specially treated with the dismissal and ^{imprisonment} ~~xxxxxx~~ without trial of their ~~xx~~ most popular leader and elected head of the government. No further proof was required to support their exaggerated fear that, having evicted the Muslims from Jammu and most of northern India, the Hindus with skin-deep commitment to secularism and individual rights were determined to have their variety of independent India. The news of Abdullah's dismissal and arrest, in the words of P.N. Bazaz, "was received by the people with hostile demonstrations on an unprecedented scale.... These were savagely put down by the combined forces of Armed Police, State Militia, and U.R.P.R. contingents." (Struggle for Freedom in Kashmir, p. 675) Nehru admitted in the parliament that the number of those killed was sixty, although unofficial estimates placed the figure at above 200. Massive aid programmes and demonstrations of coercive power, together with an unprecedented institutionalisation of corruption to buy and to silence every section of the articulate population, enabled Abdullah's successors to run the show. It was ^{just} a show no doubt, however glittering. The umbilical chord had been cut. In the words of Syed Mir Qasim, "Rice was subsidised. The purpose was to demonstrate the benefits of closer ties with India.... The people were happy with our work, but would not forgive us for the plight of the Sheikh..." (My Life and Times, p. 71) Throughout the fifties and sixties administration was based on a changing combination of corruption and coercion ^{which} ~~zhzz~~, obviously, affected the Kashmiri's perception of and relation with India. Nothing erodes more effectively the moral authority and legitimacy of a state and, since the state government was looked upon as a surrogate of the Government of

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Bangladesh. Covert efforts were initiated to instil in Kashmiri hearts in order that they are essentially Muslims and to lead a pure (pak) life they should come out of the Indian Dar-al-Harb. Imams in the valley, mostly from Bihar, U.P., and West Bengal, were found handy for this purpose, and from mid-70s onwards money was no more a problem with Pakistan. The OPEC was formed in 1973 and soon thereafter many oil-producing states of the Middle East found themselves virtually flooded with petro-dollars. Their conservative elites and governments found it politically advisable to spend a portion of this surplus wealth on so-called pious activities, at home and abroad, to justify their extravaganza and to divert popular attention away from the growing disparities and despotism at home. Their interest in visible religious activities found an immediate response ~~in~~ among the nouveaux riches in the valley, created by subsidies, corruption, and an inflow of petrodollars. They too were eager to spend on emotionally-charged religio-political activities to justify their affluence and to divert the discontent of the envious and of criminal towards safer channels. Every critic of the existing system found in the political use of Islam the only safe and effective avenue the release of for their discontent and an urge for change. Convergence of interests

brought the rich, the rogue and the rebel together and close to the de-
 prived, the disappointed, and the desperate, with corruption and external
 impositions. Together, despite differing interests and ambitions, they
 proclaimed Kashmir's loss of faith in India's professed commitment to
 secularism and sovereignty of the people. The Pundits, who had cast their
 lot with India decades ago, obviously, had no place in the latest religio-
 political assertion of Kashmiri Muslims and came to be viewed by the
 latter as agents of India, traitors to their cause. The exodus of the
 Pundits from the valley in 1990-91 was the result of a cruel combination
 of the afore-mentioned and of an utterly ineffective government
 that can kill its own loyal citizen and the capital of their own state. By then,
 the long ignored almost-entire Kashmiri Muslims, and India had widened
 into a sea, which had composite culture of the Pundits and Muslims
 had been swept away by the waves of the Jehlum. What had
 once begun as a struggle for Kashmiriyat got slowly transformed into one
 for Kashmiri yat.

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CONSERVATION OF THE CULTURAL HERITAGE OF JAMMU :

PROBLEMS AND PERSPECTIVES

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1.1. The age of Renaissance and Enlightenment brought tremendous change in the academic horizon of the western Europe. And, later on when European countries emerged as the master of almost entire world the said academic values were imposed on the orient also. This paved the way for the emergence of two academic perspectives concerning the Asia in general and India in particular. These are quite contradictory. On the one hand due to superiority complex of Europeans the culture of occident was projected as an 'ideal culture' and the 'culture of the orient' was relegated to oblivion. And on the other hand due to the scientific and objective method of research, adopted by the Post Renaissance Western Europe, the salient features of the culture of orient, too, were highlighted and people of Asia became aware of their cultural heritage in a scientific way.

1.2. In light of this when we view our own country then we find that our monuments, literary texts, etc., of the Yester years, became important to Europeans because of the antiquarian values and the fact that Sanskrit was taken as a language of the centum of Indo-European Speech family. Result was very pleasant as due to this the Rigveda was accepted as the oldest extant text of that speech family without any interpolation. And for our own people such texts became precious because they used to provide solace to our ego which was hurt almost beyond repair due to foreign rule by projecting the glorious days of past. Later, in course of the freedom struggle the thus projected 'glorious Past' was accepted almost as the pride possession. And due to these factors scholars became interested in the study of the cultural

2.8. In view of the aforementioned factors and the fact that it is ~~is~~ the cultural heritage which provides basis for the development of National as well as regional ideals as a student of archaeology and history I suggest the following:-

- (a) Ranvir Library be declared Research Library and its past ~~glory~~ glory be restored through the acquisition of Research Journals. Efforts should also be made to obtain the Photo copies ~~of~~ of the manuscripts which are housed in the Research Library of Srinagar.
- (b) Forts, Temples, etc. should be given to Archaeological Survey of India so that their scientific conservation becomes possible.
- (c) Dogra Art Gallery be developed as a modern museum with the facilities for Research.
- (d) University of Jammu be given funds to develop publication facilities like those of the Panjabi University, Patiala, so that the Research Monographs pertaining to the culture and art of Jammu can be published regularly.
- (e) Provisions for a cell of oral history be worked out as the folk-traditions of Jammu region may reveal clues needed to solve some unsolved problems of Vedic period. Such a venture may help the reconstruction of the history of Partition days also.

Explanatory Notes:

1. Examples can be had from the writings of Dr. R. K. Mookerji who against ~~maxx~~ heavy odds succeeded in projecting India as a Nation by eulogising the concept of 'unity in diversity.' Cf. K. M. Munshi (ed.) Indian Heritage, Vol. II, pp. 86 ff. See also R. K. Mookerji's book: Fundamental Unity of India and Glimpses of Ancient India.
2. Regional variations too have been explained and countered by citing the 'all embracing nature of tirthas (Centres of Pilgrimage) dotted throughout the Country. Cf. J. H. Dave, Immortal India, p. x.
Portrayal of Buddha by S. Radhakrishnan as a person 'who was born, grew up and died a Hindu' is an excellent example of this trend. Cf. P. V. Bapat (ed.) 2500 years of Buddhism, p. ix

Attempts have been made even to explain certain aspersion cast on the Madra people by citing the regional bias without any effort to analyse the problem scientifically. See F. Singh (ed.) History of the Punjab, Vol. pp. 173-176; See also my paper "From Glory to Gloom: The Case of the Madra Jana" published in Gulab Bhawan Research Series, Vol. II, No. 1, pp. 29 ff. and "Social Structure of Punjab analysed" published in the Proceedings of Punjab History Conference, 15th Session, pp. 40 ff.

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Ethnic Identities And Political Deadlock In Jammu And Kashmir

A number of well-meaning persons, including some highly sophisticated social scientists, leading columnists and jurists like Bhikhu Parekh, Bhabani Sengupta, Prem Shankar Jha, Kuldip Nayar, A.M. Khusro, *(V.G. Verghese, Prof. Bidwai)* Ajit Bhattacharjee and A.G. Noorani, have put forth solutions which, according to them, can end the ongoing violence in the Kashmir Valley, resolve the 47-year-old imbroglio to the satisfaction of all and ensure peace and stability in the sub-continent.

(I)

Parekh says that the solution of the problem lies in the recognition by the Union Government of "Kashmir's different history, needs and circumstances"¹ and grant of "a differential status" to the people of Jammu and Kashmir. Sengupta and Prem Shankar assert that if New Delhi sincerely wishes to break the deadlock in Kashmir, it has no other alternative except to accept and implement what is being termed as an "Autonomy-plus, independent-minus" formula² or to grant "autonomy (to the State) to the point where it is almost indistinguishable from independence"³. Verghese and Bidwai vouch for a solution that seeks joint control of India and Pakistan over the State, as also what Bidwai calls "special autonomy"⁴ for the people of Jammu and Kashmir. Bidwai also describes it as a "Trieste" solution. Trieste, it may be mentioned, was a disputed region between the Slovenian Republic of the former Yugoslavia and Italy till 1954. Bhattacharjee wants the Centre to grant "independence (to the State) in stages on the model of Bhutan"⁵. The suggestions of Kuldip Nayar⁶ and A.M. Khusro⁷ are no different. And, Noorani strongly urges the Central Government to start parleys with the gun-totting militants forthwith in order to strike a truce over Kashmir. As a matter of fact, he suggests that if New Delhi wants to "forge a lasting peace in Kashmir", it has no option but to "negotiate with those who are firing on our soldiers". He also tells the Union Government to ignore "all those (in the State) with no blood on their hands because they are irrelevant".

It needs to be noted that these persons, like most of the non-

ETHNIC IDENTITIES - GUJJAR PROBLEM

By: S.C. Sharma.

Gujjars, barring the Kashmiri Muslims, form one of the large single constituent of the population of the State. No doubt, the Gujjars of the State are akin to these Gujjars, who are spread all over the Punjab, Haryana, H.P. and other Western parts of India. But, only the Gujjar community of the State of Jammu and Kashmir has retained its identity and traditions better than any where else.

According to the sources cited in the Census of India Report of 1941, the Gujjars now living in Jammu & Kashmir - "are part of the two separate migrations, one direct from the Gurjara Tribe of Rajputana, Gujerat and Kathiawar and the other from the Gujjar tribes settled in the Punjab."¹ The Gujjar emigration to Kashmir have taken place from North Punjab, presumably during the Karkota period, when parts of the Punjab were included in the Kashmir Empire.² The migration of a part of the Tribe is also attributed to the outbreak of famines in Rajputana, Gujerat and Kathiawar. Some migrating tribes moved to the Punjab, whilst others moved further north to the regions of Kaghan, Swat, Hazara, Kashmir and Gilgit.³ Some Gujjars now living in Rajouri and Reasi claim that their ancestors came from the Gujarat District of the Punjab.⁴

Tunga, a Gujjar from Budil (a village in Rajouri District) came to Kashmir where he wielded authority as Prime Minister during the reign of Queen Didda and her successor Sangramraja.⁵